

**JOURNAL**  
**OF THE**  
**House of Representatives**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1982**

**HELD IN THE CITY OF MONTGOMERY,  
COMMENCING TUESDAY, JANUARY 12, 1982**



**Vol. 2**  
**WITH AN INDEX PREPARED BY THE**  
**CLERK OF THE HOUSE**

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TWENTY-SIXTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, April 8, 1982

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Fred Toland, Jr. United Methodist Inner City Mission, Mobile, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fifth legislative day and finds the same to be correct.

JACK BIDDLE, III,  
Chairman.

On motion of Rep. Manley, the rules were suspended and the reading at length of the Journal of the House for the twenty-fifth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fifth legislative day was approved.

#### LEAVE OF ABSENCE

At the request of Rep. Carothers, leave of absence was granted for Rep. Grimsley due to illness.

At the request of Rep. Owens, leave of absence was granted for Rep. Mitchell, due to a death in the family.

At the request of Rep. Roberts, leave of absence was granted for Rep. Patton due to illness.

#### REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 177. COMMENDING LIVINGSTON STATE UNIVERSITY'S BASKETBALL TEAM, GULF SOUTH CONFERENCE TOURNAMENT CHAMPIONS.

On motion of Rep. Biddle, the resolution, S. J. R. 177, was adopted.

Also:

S. J. R. 180. COMMENDING THE UAB BASKETBALL TEAM.

On motion of Rep. Biddle, the resolution, S. J. R. 180, was adopted.

Also:

S. J. R. 190. MEMORIALIZING CONGRESS TO PAY SOCIAL SECURITY BENEFITS EARNED BY STATE PRISONERS INTO THE STATE GENERAL FUND.

On motion of Rep. Biddle, the resolution, S. J. R. 190, was adopted.

Also:

S. J. R. 191. COMMENDING THE HEALTH OCCUPATION EDUCATION CLASS OF THE TROY-PIKE AREA VOCATIONAL CENTER.

On motion of Rep. Biddle, the resolution, S. J. R. 191, was adopted.

Also:

S. J. R. 192. COMMENDING MRS. MARY KIMBRO BUTLER OF ECLECTIC, ALABAMA ON RECENTLY HAVING HER NOVEL "PAPA'S OLD TRUNK" RELEASED BY HER PUBLISHER.

On motion of Rep. Biddle, the resolution, S. J. R. 192, was adopted.

#### RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 318. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business, April 8, 1982, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Kirkland:

S. 4 p. 84 One for one jury strike

By Rep. McKee:

H. 663 p.20-S Unemployment Compensation

By Rep. McKee:

H. 665 p. 21-S Unemployment Compensation

By Rep. McKee:

H. 673 p. 32-S Unemployment Compensation

By Rep. Sandusky:

H. 519 p. 37-S Local school boards

By Rep. Sandusky:

H. 692 p. 22-S Local school boards

By Rep. Campbell:

H. 70 p. 100 Military retirement

By Rep. Owens:

H. 221 p. 59 2% tax on liquor

By Rep. Payne:

H. 96 p. 10 Incorporation of municipalities

By Rep. Clark (G):

H. 755 p. 56-S Money judgments

By Rep. Naramore:

H. 640 p. 30-S Mine rescue stations

By Rep. Sandusky:

H. 201 p. 118 Court registers

By Rep. Owens:

H. 150 p. 115 Pay raise, state employees

By Rep. Owens:

H. 480 p. 74 Pay raise, teachers

By Rep. Seibels:

H. 538 p. 35-S Restitution for defendants

By Rep. Ward:

H. 813 p. 2-S Anatomical gifts

By Rep. Moore:

H. 618 p. 35-S Podiatry

By Rep. Dixon:

H. 249 p. 49 Prepaid dental

By Rep. Lewis:

H. 745 p. 20-S Wrestlers

By Rep. Clark (G):

H. 378 p. 44 Hunting without permit

By Rep. Clark (G):

H. 376 p. 44 Hunting at night

By Rep. Waggoner:

H. 36 p. 66-S Tax assessors

By Rep. Waggoner:

H. 37 p. 67-S Tax collectors

By Rep. Cabaniss:

H. 139 p. 50 Mutual Aid Associations

By Rep. Zoghby:

H. 131 p. 54 Judge of probate

By Rep. Pegues:

H. 338 p. 57 21 year old drinking age

By Rep. Cates:

H. 322 p. 1-S Retired employees, cost of living

On motion of Rep. Biddle, the resolution, H. R. 318, was adopted.

#### BILLS ON SECOND READING

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 179. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State enacted during the 1981 Regular Session of the legislature as contained in the 1981 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama

1975 the Alabama Business Corporation Act of 1980 as contained in Chapter 2A of Title 10 of the 1980 Replacement Volume 7 of the Code and the 1981 Cumulative Supplement thereto, and to make certain corrections in Chapter 2A of Title 10 of such Volume 7.

S. 158. To amend Section 12-16-9 of the Code of Alabama, 1975, to remove the requirement that the accused and his counsel and also the prosecuting attorney in any noncapital felony case consent in open court before the trial court may permit the jury to separate during the pendency of a trial.

S. 423. To amend Section 12-17-30 of the Code of Alabama 1975 relating to salaries and local salary supplements, so as to prescribe a maximum for local supplements; and to provide exceptions thereto.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 730. Relating to the preservation and protection of the public health by controlling those factors of the environment which adversely affect the health and well-being of the human population; providing for the registration of sanitarians and sanitarians-in-training in both the public and private sector; providing for the establishment of a board of registration and prescribing its authorities, responsibilities, and functions dealing with qualifications; appointment, removal, compensation, and expenses of members thereof; providing for qualifications, examination and registration of sanitarians and sanitarians-in-training; for denial, issuance, renewal, suspension, revocation and reinstatement of certificates of registration; fixing fees; providing for expenditure of funds collected under the provisions of this act; fixing purposes for which such funds may be used; providing for reciprocity, use of title; and providing a penalty for violation of this act.

In adopting this act, the legislature hereby notes that the field of environmental health is continually evolving into new and complex areas of endeavor. The legislature also recognizes the existence of overlapping functions of certain professions licensed to carry out specific activities which touch many aspects of the field of environmental health. It is not the intent of this act to require persons holding valid licenses in other professions and fields to be registered pursuant to this act. It is the sole purpose and intent of this act to safeguard the health, safety, and general welfare of the public from adverse environmental factors and to register only those environmental health professionals who have completed an approved environmental health or science curriculum and are qualified and want to work or are actually working within the scope of the practice of environmental sanitation as defined by this act.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 658 (With Substitute): To amend Section 11 of Act No. 81-813, S. 647 (Acts 1981, Vol. II, p. 1452), relating to the operation of domestic violence shelters and relief from family violence disturbances and funding for such shelters and relief, so as to further provide for funding therefor by requiring the county governing body to pay certain sums not forwarded, from

the general fund of the county, to the district attorney of the judicial circuit in which said county is located; and to provide that such payments shall be quarterly.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 687. (With Substitute)(With Amendment): To provide that the retirement income of certain peace officers shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by Sections 16-25-23 and 36-27-28, Code of Alabama 1975.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 780. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 649. (With Substitute): To re-open the State of Alabama Retirement Systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 320. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

H. 327. To provide that full-time employees and executive officers of the Alabama Vocational Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

S. 366. To exempt all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

S. 14. To establish the Alabama Recreation Capital Development Assistance Fund Program; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

S. 221. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to employees who are employed full-time by the State of Alabama.

S. 275. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Leukemia Society of America, Alabama Chapter, within the definitions of charitable organizations as used in this section.

S. 348. To authorize the state to join a compact between the States of Mississippi and Louisiana for the purpose of studying the feasibility of rapid rail transit service between the states; to authorize the Governor to join the compact; and to establish a joint interstate commission for such purpose.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Goodwin, Coburn and Cobb (With Notice and Proof):

H. 820. Relating to Franklin County; providing further for the compensation of the probate judge and providing for an effective date.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 820, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Goodwin, Coburn and Cobb:

H. 821. To propose an amendment to the Constitution of Alabama of 1901 relating to court costs and the compensation of the judge of probate of Franklin County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Stewart and Zoghby (With Notice and Proof):

H. 822. Relating to Class 2 municipalities; providing for a retirement pension for certain elected public officials in such municipalities, the eligibility requirements for such pension and the amount, method; providing for payments from the general fund of such municipalities; and specifically repealing Act No. 432, S. 531 of the 1971 Regular Session (Acts 1971, p. 1159) and Act No. 682, H. 937, Regular Session 1967 (Acts 1967, p. 1508), which acts provide for a retirement pension for certain elected public officials of certain cities classified on a population basis.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 822, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Holley, Whatley, Wyatt, Ray, Hammett, Cates, Johnson (Roy), Pegues, Carothers and Daniels:

H. 823. To direct the Alabama Peanut Producers Association to provide for a referendum by the peanut growers of the state on the question of whether a peanut marketing association is favored; upon a favorable vote in such referendum, to provide for the incorporation of an association by the Alabama Peanut Producers Association in accordance with Article 3, Chapter 10, Title 2, Code of Alabama 1975, to engage in any activity in connection with the harvesting; preserving, drying, processing, canning, packing, storing, handling, shipping, marketing or selling of peanuts.

Agriculture and Forestry.

By Rep. Venable:

H. 824. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

Constitution and Elections.

## RESOLUTIONS

The following resolutions were introduced:

By Reps. Smith (M), Riddick, Hall, Albright and Smith (J):

H. J. R. 319. COMMENDING MISS EVELYN CHRISTINE STRUCK OF HUNTSVILLE ON CONTINUING OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, it is with a sense of great pride that the Alabama Legislature notes the continuing outstanding academic achievement of Miss Evelyn Christine Struck of Huntsville, Alabama; and

WHEREAS, Christine is a senior at the University of Alabama-Huntsville, has attended U.A.H. on a four-year Merit Scholarship, has recently been selected as the first U.A.H. student to be awarded a Fulbright Scholarship and, already fluent in German, she will spend a year in Germany on the Scholarship; and

WHEREAS, she has been actively involved in all aspects of campus life, including membership in the Omicron Delta Kappa leadership honor society, the Circle K Service Organization and the Chi Omega Social Sorority; and

WHEREAS, as a result of her extraordinary accomplishments, she was chosen as one of the Outstanding Young Women of America 1981, and Who's Who Among American Colleges and Universities 1980, and was selected Outstanding Junior/Senior Chemistry Student of 1981; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Evelyn Christine Struck for her exemplary academic performance at the University of Alabama-Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Christine and to her parents, Mr. and Mrs. Heinz G. Struck, that they may know of our high esteem and warm personal regard.



On motion of Rep. Smith (M), the rules were suspended and the resolution, H. J. R. 319, was adopted.

## RESOLUTIONS

The following resolution was introduced:

By Reps. Payne, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 320. COMMENDING DR. MARIE L. O'KOREN, DEAN AND PROFESSOR, SCHOOL OF NURSING, UNIVERSITY OF ALABAMA IN BIRMINGHAM, ON HER TENTH ANNIVERSARY OF DISTINGUISHED SERVICE.

WHEREAS, a native of Eveleth, Minnesota, Dr. Marie L. O'Koren began her education in the field of nursing at the University of Minnesota where she received her diploma from the School of Nursing, 1946; she received her B.S.N. in 1957 from Long Beach State College, her Masters in 1958 from the School of Nursing, University of Alabama at Tuscaloosa, and in 1964 she earned her Ed.D from the University of Alabama at Tuscaloosa, Alabama; and

WHEREAS, Dr. Marie O'Koren has had a broad range of professional experience and has received awards too numerous to enumerate, including Bixler Scholar, 1963-64; Who's Who in America, in Health Care, Leaders in Education, Fellow in the American Academy of Nursing, 1977; Distinguished Faculty Lecture Award, University of Alabama in Birmingham, 1978; Distinguished Dean Lecture Series, School of Nursing, Medical College of Georgia, 1979; Recipient of the 1968 Award Group III State Bulletin Competition, America Journal of Nursing; and in 1982 she was designated for the Outstanding Achievement Award by the University of Minnesota Board of Trustees; and

WHEREAS, Dr. Marie O'Koren has brought distinctive service to many professional, civic charitable and educational organizations as a member, officer and director, at the local, regional, state and national level, and has contributed immeasurably to these; and

WHEREAS, Dr. Marie O'Koren presently is a member of: Accreditation Visitor, NLN, Council on Baccalaureate and Higher Degree; the Dean's Task Force, American Association of Colleges of Nursing and Council on Baccalaureate Higher Degree Programs, and National Advisory Council on Nurse Training, Health Resources Administration, and she is recognized for her consultant work and research in her discipline throughout the nation; and

WHEREAS, Dr. Marie L. O'Koren, individually and with others in her field, has nine publications to her credit, the subjects of nursing, mental health, nursing education and research, and rural health; and

WHEREAS, Dr. Marie L. O'Koren has most prominently contributed to the State of Alabama for the betterment of its citizens through her long tenure as Dean of School of Nursing, University of Alabama in Birmingham, since 1970, where she has guided the school in the development of programs and expansion for the masters degree program and the establishment of the doctoral program for nursing; and she was instrumental in providing clinical training for nursing students at the first community clinics; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That on this tenth anniversary as Dean of the School of Nursing, University of Alabama in Birmingham, we do express our gratitude to Dr. Marie L. O'Koren for devoted service to the citizens of this State, her role as distinguished nursing expert and pioneer in the field of nursing education and we do commend this exceptional individual most highly.

BE IT FURTHER RESOLVED, That Dr. Marie L. O'Koren receive a copy of this resolution as an expression of the high regard in which she is held by the Alabama Legislature.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 320, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 321. COMMENDING DR. JAMES W. WALL, JR., HUNTSVILLE, ALABAMA, CITY COUNCILMAN.

Also:

By Rep. Smith (J):

H. R. 322. COMMENDING MR. ROY BOLTON PATTON, III, OF ATHENS, ALABAMA, FOR OUTSTANDING CIVIC AND COMMUNITY SERVICE.

Also:

By Rep. Smith (J):

H. R. 323. COMMENDING HUNTSVILLE CITY COUNCILMAN HALL BRYANT, JR., FOR OUTSTANDING COMMUNITY SERVICE.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to introduce a general bill out of order.

#### BILLS ON THIRD READING

And the bill:

H. 752. Relating to Cherokee County; to provide for the construction, repair and maintenance of County Roads as a unit without regard to District or Beat lines.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Buskey, Cobb, Cosby, Dial, Drinkard, Edwards, Grouby, Hall, Howard, Johnson (R. G.), Langford, Lewis, Olive, Parker, Penry, Rains, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Trammell, Turner, Whatley and Wyatt.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### CONFERENCE COMMITTEE REPORT FOR H. B. 55

We, the committee of conference appointed to reconcile the disagreement between the two houses concerning H. B. 55, have met, considered the matter and agreed to the following report.

We recommend that both houses adopte the attached Conference Committee Substitute to H. B. 55 which said substitute is made a part hereof by reference as if fully set out herein.

FINIS ST. JOHN,

BOB HALL,

LARRY KEENER,

Conferees for the Senate.

CARL C. BRAKEFIELD,

WALTER OWENS,

ALVIS NARAMORE,

Conferees for the House.

#### CONFERENCE COMMITTEE SUBSTITUTE FOR H. 55 AS LAST SUBSTITUTED AND AMENDED

#### A BILL TO BE ENTITLED AN ACT

Relating to Walker County; to provide that all telephone calls that originate and terminate in Walker County, except those to and from telephones served by an exchange in Jefferson County, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Walker County affected by the service, to provide

the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as provided in Section 2 and subject to the provisions in Section 3 through 5 thereof, all telephone calls that originate and terminate within Walker County shall be charged as local calls.

Section 2. It is further provided that the provisions of this act shall not apply to telephones in Walker County which are served by an exchange located in Jefferson County.

Section 3. Telephone companies serving the telephones in the Walker County exchanges affected by this act shall be made whole for all additional expenses and revenue losses resulting from the implementation of this act. This make whole requirement shall include, but not be limited to, all capital expenditures, all loss of toll revenues, all expenses incurred in the study to determine the costs for providing this service, all costs of customer notice and all direct and indirect costs incurred in the provision of this service.

Section 4. No rates for any subscribers, other than those for the subscribers in Walker County affected by this Act, shall be raised as a result of the implementation of this act.

Section 5. The Alabama Public Service Commission shall within 120 days of the effective date of this act in accordance with its existing rules and procedures determine the new rates to be charged the Walker County subscribers affected by this act.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### COMMITTEE ON CONFERENCE REPORT ADOPTED

On motion of Rep. Brakefield, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 55, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 22; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bennett, Brakefield, Buskey, Cobb, Cosby, Drinkard, Edwards, Grouby, Hall, McMillan, Moore, Sasser, Shavers, Smith (C), Stewart, Trammell, Turner, Whatley and Wyatt.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 55. Relating to Walker County; to provide that certain telephone calls that originate and terminate in Walker County shall be charged as local calls; granting the Public Service Commission the power to promulgate rules and regulations to implement the provisions of this Act; and providing exemptions from the provisions of this Act for certain Walker County residents.

As amended by the report of the Committee on Conference, was again read at length and passed.

Yeas 31; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Coburn, Daniels, Drinkard, Edwards, Grouby, Hall, Johnson (R. G.), Olive, Rains, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Whatley, Wyatt and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Payne to suspend the rules in order to take up out of order the bill, H. 564, was lost.

Yeas 4; Nays 6.

*Yeas:* Reps. Bennett, Biddle, Gafford and Payne.

—4

*Nays:* Reps. Boles, Escott, Horn, Jackson, Olive and Trammell.

—6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### BILLS ON THIRD READING

And the bill:

H. 791. Relating to Fayette County; to establish a special fund in the county treasury to pay a bounty to any resident of Fayette County on certain beaver trapped or killed in Fayette County; to provide for the administration of said fund and bounty system; and to prescribe punishment for any person found guilty of falsely making claim for a bounty.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 14; Nays 0.

*Yeas:*

Mr. Speaker, Bennett, Cheatwood, Gilmer, Hall, Langford, Naramore, Olive, Parker, Rains, Stewart, Whatley, Wyatt and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Horn to suspend the rules in order to take up out of order the bill, H. 666, was lost.

Yeas 7; Nays 8.

*Yeas:*

Reps. Boles, Cheatwood, Gafford, Hall, Jackson, Seibels and Waggoner.

—7

*Nays:*

Reps. Barton, Cabaniss, Holley, Howard, Johnson (Roy), Lewis, Payne and Tucker.

—8

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Gafford, the rules were suspended in order to take up out of order the bill, H. 808.

Yeas 12; Nays 1.

*Yeas:*

Reps. Amari, Bennett, Biddle, Boles, Cabaniss, Cheatwood, Gafford, Howard, Moore, Olive, Seibels and Waggoner.

—12

*Nay:* Rep. Tucker.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 808. Relating to Jefferson County; providing further for an additional expense allowance of the tax assessor, payable from the general fund of the county; providing for retroactive effect and an expiration date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Reps. Amari, Bennett, Biddle, Boles, Cabaniss, Cheatwood, Escott, Gafford, Hall, Howard, Jackson, Lewis, Moore, Olive, Seibels, Trammell, Tucker and Waggoner.

—18

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Naramore, the rules were suspended in order to take up out of order the bill, H. 640.

Yeas 57; Nays 0.

*Yeas:*

Mr. Speaker, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Cobb, Crow, Daniels, Dial, Edwards, Gafford, Gilmer, Goodwin, Hall, Harper (O), Higginbotham, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McMillan, Minus, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Whatley and Zoghby.

—57

And the bill:

H. 640. To create mine rescue stations within the State of Alabama as a part of the Division of Safety and Inspection of the Department of Industrial Relations; to provide for the location, training, compensation, benefits, qualifications and employment status of said station members; and to provide requirements of recovery work.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Cobb, Cooley,

Cosby, Crow, Daniels, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harvey, Higginbotham, Holley, Jackson, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McMillan, Minus, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Venable, Waggoner, Ward and Zoghby.

—56

## CO-SPONSORS ADDED

Reps. Brakefield, Boles and Bowling were added as co-sponsors to the bill, H. 640.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper (T), the rules were suspended in order to take up out of order the bill, H. 740.

Yeas 38; Nays 0.

*Yeas:*

Reps. Bedsole, Bennett, Blake, Brakefield, Buskey, Carter, Clark (W), Daniels, Dial, Dixon, Edwards, Goodwin, Grouby, Hall, Harper (O), Harper (T), Higginbotham, Holley, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Seibels, Shoemaker, Stewart, Stout, Trammell, Turner, Wyatt and Zoghby.

—38

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 740. To establish and provide for a seafoods advisory board of the department of conservation and natural resources; to provide for the composition of such board; and to prescribe its powers and duties.

Was taken up.

## AMENDMENT OFFERED

Rep. Harper (T) offered the following amendment to the bill, H. 740:

Amend H. 740 as follows:

On page 2, line 29, delete Section 2 in its entirety and insert in lieu thereof the following:

Section 2. The functions and duties of the seafoods advisory board shall be as follows:

(1) To assist in formulating the seafoods policies of the department of conservation and natural resources in the performance of its functions and duties; and



(2) To examine all rules and regulations made or promulgated by the director of marine resources and the commissioner of conservation and natural resources; to recommend amendments or repeals thereof or additional rules or regulations and by two-thirds vote of those present at any meeting and with the approval of the Governor to amend or repeal such rules and regulations or to make and promulgate additional rules or regulations.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 38; Nays 0.

*Yeas:*

Reps. Bedsole, Bennett, Blake, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Cooley, Daniels, Dial, Edwards, Goodwin, Hall, Harper (T), Harvey, Higginbotham, Johnson (R. G.), Kennedy, Langford, Letson, McMillan, Olive, Owens, Parker, Penry, Rains, Roberts, Sasser, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Wyatt and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 740, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

*Yeas:*

Reps. Adams (C), Bedsole, Bennett, Blake, Brakefield, Buskey, Carter, Clark (W), Cobb, Cooley, Crow, Daniels, Goodwin, Hall, Harper (T), Harvey, Higginbotham, Kennedy, Langford, Letson, Lewis, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Roberts, Sasser, Smith (C), Stewart, Stout, Warren, Willis, Wyatt and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Amari, the rules were suspended in order to take up out of order the bill, H. 325.

Yeas 32; Nays 0.

*Yeas:*

Reps. Bedsole, Bennett, Blake, Carter, Clark (W), Cobb, Dial, Gafford, Goodwin, Hall, Harper (O), Higginbotham, Holley, Johnson (R. G.),

Johnson (Roy), Langford, Letson, Lewis, McMillan, Minus, Payne, Penry, Roberts, Seibels, Shoemaker, Smith (C), Starkey, Warren, Whatley, Williams, Wyatt and Zoghby.

—32

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 325. (With Substitute): To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

### A BILL TO BE ENTITLED AN ACT

To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools and to provide penalties for failure to report said incidents.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of the Act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(a) "Incident" shall mean any act of physical violence, with or without a weapon, trespass, vandalism, or property damage which occurs: (a) on school property; or (b) during school activities, on or off school property; or (c) at any other times when such incident can be reasonably related to school functions. Provided, however, that incidents involving only students from the same school wherein no dangerous weapon was involved and no bodily injury requiring medical attention occurs shall not be required to be reported as provided herein. All attacks or incidents involving teachers or other school personnel shall be promptly reported.

(b) "Principal" means the principal or top administrator of any public elementary, junior or senior high school at which the incident occurred.

(c) "Superintendent of education" means the superintendent of the county or city board of education in the county in which the school is located.

(d) "Report" means a written narrative report of an incident, the number and names and addresses of persons involved in the incident, the type of any weapon involved and a description of any injury or damage resulting from the incident. Said report shall contain the names and addresses of all known persons present at the time of said incident.

(e) "Teacher and other school employee" means an employee of any public elementary, junior or senior high school at which the incident occurred.

(f) "School board" means the board of education

(g) "County sheriff" means the sheriff of the county in which the public school is located.

Section 2. It is the intention of the Legislature by passage of the Act to require principals, teachers and other school employees of public elementary, junior and senior high schools to make reports of violent disruptive incidents occurring on school property during school hours or during school activities conducted on or off school property after school hours or at any other time when such incident can be reasonably related to school or school functions and to provide for penalties for failure to report such incidents.

Section 3. Principals shall file a report within 72 hours with the superintendent of education of any incident of which they have knowledge. A copy of the report shall also be furnished members of the school board and the county sheriff by the superintendent of education.

Section 4. Teachers and other school employees shall immediately report to the principal of any incident of which they have knowledge. Said teacher and employee shall assist the principal in the preparation of the report required under Section 3 of this Act.

Section 5. Any superintendent of education, principal, teacher, or employee who violates the provisions of this Act by failure to file a required report shall be guilty of a Class C misdemeanor.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective on the first day that the public elementary, junior and senior high schools begin classes for the 1982-83 school year.

And the substitute was adopted.

Yeas 48; Nays 0.

*Yeas:*

Reps. Amari, Barton, Bedsole, Bennett, Blake, Boles, Cabaniss, Carothers, Carter, Cheatwood, Clark (W), Cobb, Cooley, Dial, Gafford, Goodwin, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McMillan, Minus, Parker, Payne, Penry, Rains, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Trammell, Turner, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—48

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 325. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools and to provide penalties for failure to report said incidents.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 1.

*Yeas:*

Mr. Speaker, Amari, Barton, Bennett, Boles, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Cobb, Crow, Dial, Gafford, Hall, Hammett, Johnson (R. G.), Kennedy, Letson, Lewis, McMillan, Minus, Olive, Parker, Payne, Penry, Rains, Ray, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Tucker, Ward, Warren, Wyatt and Zoghby.

—42

*Nay:* Rep. Holley.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 792. Relating to Fayette County; to provide for the expense allowance of Board of Education members; to repeal all prior laws providing for the compensation of Board Members; and to provide for the location of board meetings.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Bennett, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Crow, Daniels, Gafford, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Johnson (R. G.), Kennedy, Langford, Letson, McMillan, Minus, Olive, Parker, Payne, Penry, Rains, Ray, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Warren, Williams, Wyatt and Zoghby.

—45

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 793. Relating to Fayette County; to provide that 10% of all funds accruing to Fayette County or any municipality therein from the oil and gas

privilege tax pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, shall be transferred to the county education department to be used for additional classroom supplies and equipment and certain capital outlay purposes, and to provide for the method of distributing said money.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Brakefield, Carter, Cates, Cheatwood, Clark (W), Cobb, Crow, Daniels, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (T), Higginbotham, Kennedy, Langford, Letson, Lewis, McMillan, Olive, Parker, Payne, Penry, Rains, Ray, Roberts, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—45

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 794. Relating to Fayette County; providing for the election and qualification of members in the county governing body so as to provide that the members shall be elected by the qualified electors of each district and that each candidate therefor shall be a bona fide resident of the district which he seeks to represent and, if elected, remain so throughout his term of office; repealing all conflicting laws and specifically repealing Act No. 1092, S. 907 of the 1969 Regular Session (Acts 1969, p. 2027) which provides for such elections at large.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 795. Relating to Lamar County; to provide for the expense allowance of board of education members; to repeal all prior laws providing for the compensation of board members; and to provide for the location of board meetings.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 796. Relating to Lamar County; to provide that 10% of all funds accruing to Lamar County or any municipality therein from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, shall be transferred to the county education department to be used for additional classroom supplies and equipment and certain capital outlay purposes, and to provide for the method of distributing said money.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 797. Relating to Lamar County; to alter the compensation of the members of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus,

Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 798. (With Substitute): Relating to Barbour County; providing for a salary supplement for the district attorney.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Barbour County; providing for a salary supplement for the district attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon the effective date of this act, the district attorney may, at the discretion of the county commission, receive a supplemental salary, payable in equal monthly installments from the general fund of Barbour County, in an amount equal to fifteen percent of the prevailing salary paid to circuit judges by the state. Such supplement may be paid in addition to all other supplemental or expense payments heretofore authorized by law for such district attorney. Provided however, said supplement shall not be paid if the 1982 judicial compensation commission's recommendations are implemented or if judicial officers and employees, including district attorneys, receive a salary increase funded by the state and provided by general law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill, H. 798, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 800. Relating to Calhoun County; amending Act No. 274, H. 990, Regular Session 1975 (Acts 1975, p. 809), which relates to the civil service board, so as to allow department heads to choose from a greater number of applicants on the list furnished by the board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 809. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for service of summoning witnesses and summons and complaints in Henry County so that such service and subpoenas may be by United States mail in the county under certain conditions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels,



Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 814. To amend Act No. 79-157, S. 222, 1979 Regular Session (Acts 1979, p. 256), which act establishes a policemen's and firemen's retirement fund for the City of Anniston, so as to empower the Board of Trustees with the authority to amend the benefit formula contained in said act; to empower the Board to employ the services of an actuary and to provide for the minimum qualifications of such actuary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 817. Relating to Fayette County; to alter the compensation of the members of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

S. 406. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Was read a third time at length and passed.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 729. Relating to Tuscaloosa County; providing further for the compensation of certain city and county officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 788. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smigh (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 801. Relating to Morgan County; to provide for the adoption and publication of certain motor vehicle weights and limits, which shall be deemed as adequate notice for purposes of penalizing offenders.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 802. Relating to Morgan County; to authorize the county to contract with any municipality within Morgan County and any municipality within Morgan County to contract with Morgan County to lease or sell to each other used equipment and/or other materials or items used or usable by counties and municipalities and to make street signs and sell the same to municipalities all without advertising for bids.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 804. Relating to the City of Tuscaloosa, to alter the compensation of the mayor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb,

Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 805. Relating to Russell County; repealing Act No. 436, H. 923, 1975 Regular Session (Acts 1975, p. 1048), which provides for the jurisdiction of the Inferior Court, the compensation of the judge and constables, and the duties of the clerk of said court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 806. (With Amendment): Relating to Russell County; repealing Act No. 502, H. 2087, 1971 Regular Session (Acts 1971, p. 1220), which is a population based bill that provides for the compensation of the judges, constables and clerks of the county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 806 on page 1, Section 2, by deleting the entire Section 2 and inserting in lieu thereof the following:

Section 2. This Act shall become effective on November 1, 1982.

And the amendment was adopted.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus,

Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill, H. 806, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 807. (With Amendment): Relating to Russell County; providing for the districts and election of the members of the county board of education.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 2, on line 6 after the word "Hurtsboro," insert Hatchechubbee

On page 2, on line 6 after the words "Beat 5" insert: and Beat 6

And the amendment was adopted.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill, H. 807, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb,

Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Howard, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

## MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Edwards, the rules were suspended in order to take up out of order the bill, H. 61.

Yeas 46; Nays 0.

*Yeas:*

Reps. Adams (C), Bedsole, Bennett, Bowling, Buskey, Campbell, Cheatwood, Cobb, Coburn, Cosby, Daniels, Dixon, Edwards, Escott, Gilmer, Grouby, Hall, Harper (T), Harvey, Holmes, Howard, Langford, Letson, Lewis, McKee, McMillan, Minus, Naramore, Olive, Penry, Rains, Ray, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

—46

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 61. To amend Sections 11-42-21 and 11-42-22, Code of Alabama 1975, to eliminate the population requirements and thereby make the Sections applicable to all incorporated municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Bennett, Blake, Boles, Bowling, Buskey, Cheatwood, Clark (W), Cooley, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Minus, Naramore, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Stewart, Stout, Trammell, Turner, Ward, Warren, Willis, Wyatt and Zoghby.

—53

## MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Riddick, the rules were suspended in order to take up out of order the bill, H. 768.

Yeas 44; Nays 1.

*Yeas:*

Reps. Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Escott, Grouby, Hall, Harper (O), Harper (T), Holley, Johnson (R. G.), Kennedy, Laird, Lewis, McMillan, Minus, Olive, Parker, Penry, Rains, Riddick, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Willis, Wyatt and Zoghby.

—44

*Nay:* Rep. Howard.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 768. To authorize any industrial development board, heretofore or hereafter organized under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, or Article 4 of Chapter 54 of Title 11 of the Code of Alabama 1975, as amended, to sell and issue its bonds for, and to acquire, construct, enlarge, improve, replace, equip, maintain, use, operate, lease and dispose of, certain facilities for the use of any such industrial development board and certain other organizations, associations and foundations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

*Yeas:*

Reps. Adams (C), Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Clark (W), Cobb, Cosby, Crow, Dial, Dixon, Edwards, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Minus, Olive, Owens, Parker, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Stout, Turner, Willis and Wyatt.

—50

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Clark (G), the rules were suspended in order to take up out of order the bill, H. 754.

Yeas 28; Nays 6.

*Yeas:*

Reps. Adams (C), Amari, Barton, Bedsole, Bennett, Bowling, Clark (G), Cobb, Cooley, Dial, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), McMillan, Minus, Penry, Rains, Ray, Reed, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Whatley and Zoghby.

—28

*Nays:* Reps. Howard, Lewis, Payne, Seibels, Tucker and Wyatt.

—6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 754. To establish a Public Defender Fund within the 24th Judicial Circuit and to provide funding for said Public Defender Fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 22; Nays 8.

*Yeas:*

Reps. Barton, Bowling, Brakefield, Clark (G), Clark (W), Dial, Grouby, Hammett, Johnson (R. G.), Letson, McMillan, Manley, Pegues, Penry, Ray, Riddick, Sasser, Shoemaker, Smith (J), Stewart, Stout and Waggoner.

—22

*Nays:*

Reps. Holley, Howard, Lewis, Payne, Seibels, Smith (C), Tucker and Wyatt.

—8

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Penry to suspend the rules in order to take up out of order the bill, H. 279, was lost, lacking a four-fifths vote.

Yeas 10; Nays 8.

*Yeas:*

Reps. Bedsole, Daniels, Harper (T), Letson, Lewis, McMillan, Penry, Rains, Smith (C) and Stout.

—10



*Nays:*

Reps. Horn, Howard, Jackson, Owens, Sasser, Seibels, Shoemaker and Tucker.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to take up out of order the bill, H. 133.

Yeas 24; Nays 1.

*Yeas:*

Reps. Adams (C), Bedsole, Bowling Brakefield, Buskey, Carter, Cheatwood, Clark (W), Harper (O), Harper (T), Holley, Johnson (Roy), Kennedy, Letson, Lewis, McMillan, Minus, Naramore, Parker, Penry, Stewart, Waggoner, Willis and Zoghby.

—24

*Nay:* Rep. Sasser.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 133. To amend Section 21-7-4, Code of Alabama 1975, relating to the right of blind persons to be accompanied by a guide dog, so as to extend said right to persons using a hearing dog.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

*Yeas:*

Reps. Adams (C), Adams (H), Blake, Bowling, Brakefield, Buskey, Carter, Cates, Clark (W), Crow, Dixon, Grouby, Hammett, Harper (O), Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Letson, Lewis, McKee, McMillan, Minus, Naramore, Parker, Penry, Rains, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Willis, Wyatt and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

S. 4. To amend Section 12-16-100 of the Code of Alabama 1975, relating to the drawing, selecting and impaneling of juries in criminal cases, so as to establish one-for-one strikes in criminal cases and to establish procedures for the selection and use of alternate jurors in criminal cases.

Was read a third time at length and passed.

Yeas 77; Nays 11.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—77

*Nays:*

Reps. Barton, Buskey, Clark (W), Escott, Holmes, Horn, Howard, Jackson, Langford, Reed and Tucker.

—11

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 170. To alter or rearrange the boundary lines of the City of Huntsville in Madison County, Alabama, so as to include within the corporate limits and within the boundaries of said City all territory and property now within said corporate limits, and also certain other additional territory in Madison County, Alabama, and to provide for certain exemptions from ad valorem taxation with respect to said additional property.

Also:

H. 531. To amend Section 11-86-2, Code of Alabama 1975, which relates to county or municipal recreation boards created under the provisions of Chapter 86 of Title 11 of the Code of Alabama 1975, so as to provide that the membership of such boards may consist of not less than five nor more than nine members and to provide for the terms of office of any members authorized by this Act.

Also:

H. 572. Relating to DeKalb County; amending Act No. 372, S. 572, 1971 Regular Session (Acts 1971, p. 667), relating to the expense allowance of the coroner of the county.

Also:

H. 573. To provide an expense allowance for the District Attorney of the Thirty-eighth Judicial Circuit for Jackson County, Alabama.

Also:

H. 591. Relating to the City of Huntsville in Madison County, to authorize the governing body of the City of Huntsville to appropriate and pay from any general funds of the City otherwise unappropriated, up to the sum of \$3,000.00 for information leading to the arrest and conviction of the guilty person for any high crime or misdemeanor, in any case where the said governing body has, prior to the passage of this act manifested the intent of the governing body to appropriate any sum up to \$3,000.00 with respect to any high crime or misdemeanor heretofore committed, said sum to be paid only upon order of the Court before which such conviction was had.

Also:

H. 653. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores in Baldwin County.

Also:

H. 669. Relating to Lee County and to Macon County, Alabama; to permit any state or national bank with its principal place of business in Lee County to establish, maintain and operate, with the prior written approval of the State Superintendent of Banks for a state bank or of the Comptroller of the Currency for a national bank, one or more branches, branch banks or branch offices for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business in Notsaulga, Macon County, Alabama; to repeal all laws or parts of laws in conflict herewith; and to provide for an effective date.

Also:

H. 672. To provide for a certain increase in costs and charges of court in the Marengo County division of the Seventeenth Judicial Circuit of this state to be used to assist in service of process and service of subpoenas in civil and criminal court cases and for improvement of law enforcement by the sheriff of Marengo County.

Also:

H. 676. To amend Section 1 of Act No. 726, H. 1050, 1978 Regular Session (Acts 1978, p. 1051), relating to salary supplements for circuit judges in Morgan County, so as to provide further for such salary supplements and to provide for retroactive effect.

Also:

H. 678. To amend Section 2 of Act No. 458, S. 616 of the 1978 Regular Session of the Legislature relating to the compensation of the judge of probate of Morgan County, Alabama, so as to provide further for such compensation.

Also:

H. 679. Providing a certain expense allowance for the sheriff of Morgan County, Alabama, which shall become part of the base salary of \$26,000 per annum of said sheriff at the beginning of the next term of office.

Also:

H. 693. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Guntersville in Marshall County.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 694. To create an Economic Development Council for Calhoun County for the purpose of promoting industry and trade and the economic development of said county; to provide for the organization, powers, functions, duties, funding, and personnel of such Council and to provide for the payment of the expenses of such Council; to provide for the issuance by the Council for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable from the revenues derived from the leasing or sale of any of its property and from any other or additional sources of revenue as may be specified; to provide that the Council may pledge for the payment of any bonds or obligations assumed by the Council any revenues from which those bonds or obligations are made payable; to authorize the Council to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust and trust indentures on such properties out of the revenues from which such securities are payable; to provide for the investment of funds of the Council; to authorize the sale or conveyance by the Council of any of its properties; to provide for the use of the proceeds of any such securities issued by the Council; to exempt the property and income of the Council and all securities issued by the Council and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the Council is a party, from all taxation in the state; to exempt the Council from all taxation in the state; to exempt the Council from payment of certain charges to judges of probate; to exempt the Council from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the Council from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for the disposition of the excess funds, if any, of the Council; to provide for the dissolution of the Council and the disposition of its property; and to repeal Act No. 425, H. 997, 1975 Regular Session.

Also:

H. 695. Relating to Marion County; to establish a special fund in the county treasury to pay a bounty to any resident of Marion County on certain beaver trapped or killed in Marion County; to provide for the administration of said fund and bounty system; and to prescribe punishment for any person found guilty of falsely making claim for a bounty.

Also:

H. 651. Proposing an amendment to the Constitution of 1901, relating to the judge of probate of Bullock County and the manner and method of compensating such officer.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### BILLS ON THIRD READING RESUMED

And the bill:

H. 815. Relating to Macon County; to authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Macon County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 1.

*Yeas:*

Reps. Bedsole, Bennett, Brakefield, Buskey, Campbell, Carter, Cheatwood, Clark (W), Cobb, Edwards, Goodwin, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Minus, Naramore, Parker, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Ward, Wyatt and Zoghby.

—35

*Nay:* Rep. Gilmer.

—1

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 816. Relating to Macon County; to amend Act 81-585, H. 1001, 1981 Regular Session, providing for a discretionary expense allowance for members of the board of registrars, so as to make said expense allowance mandatory.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 1.

*Yeas:*

Mr. Speaker, Bennett, Biddle, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Clark (W), Cobb, Edwards, Hammett, Johnson (Roy), Kennedy, Laird, Letson, McMillan, Moore, Naramore, Olive, Parker, Penry, Rains, Ray, Reed, Roberts, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Ward, Wyatt and Zoghby.

—36

*Nay:* Rep. Lewis.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Langford:

H. R. 324. EXTENDING BEST WISHES TO MRS. DELSIE KING HARDY ON THE OCCASION OF HER 80TH BIRTHDAY.

#### SPECIAL ORDER RESUMED

And the bill:

H. 663. To amend portions of the Alabama Unemployment Compensation Act contained in Sections 25-4-75 and 25-4-140, Code of Alabama 1975, as last amended, so as to comply with the mandatory provisions of Public Law 97-35, relating to unemployment compensation; the extended benefit program; to permit assignment of benefits in connection with child support obligation and to provide for the deduction of, and subsequent payment to state and local child support enforcement agencies, amounts authorized by an agreement by an obligee or upon order of a court and to correct an error incorporated in Act 81-424, Regular Session, 1981, amending Section 25-4-75.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates,

Cheatwood, Clark (W), Coburn, Daniels, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Minus, Moore, Olive, Parker, Payne, Penry, Rains, Ray, Reed, Roberts, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

*Nays:* Reps. Cooley and Holley.

—2

#### LEAVE OF ABSENCE

At the request of Rep. Cabaniss, leave of absence was granted for Rep. Kelley.

#### SPECIAL ORDER RESUMED

And the bill:

H. 665. To provide a more effective means of enforcing child support obligations by providing for withholding, under certain circumstances, of amounts from the obligee's unemployment compensation of entitlement; for the forwarding of such amounts to the child support enforcement agency; to establish the required procedures and to provide for the payment of reasonable administrative costs in connection therewith by the child support agency.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Campbell, Carothers, Cates, Cheatwood, Clark (W), Coburn, Cosby, Daniels, Dixon, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Howard, Johnson (R. G.), Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

*Nays:* Reps. Cooley and Harrison.

—2

#### CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 665.

And the bill:

H. 673. To amend section 25-4-16, 25-4-77, 25-4-78, 25-4-94, and 25-4-118, Code of Alabama 1975, as last amended, so as to include amounts of the employee's portion of state unemployment and federal social security contributions paid by the employer without deduction from the employee's pay as "wages"; to permit receipt of benefits while attending training approved

under the provisions of the Trade Readjustment Act of 1974 or, under certain criteria, leaving a job to enter such training; to remove "seeking a pension" as a cause for disqualification and permit fifty (50) percent reduction of social security or railroad retirement pension payments prior to deduction from benefits; to authorize release of information on wages, employment, benefits and location of individuals to child support agencies and to public and law enforcement officials in the performance of their official duties and provide penalties for misuse thereof; to make other such amendments as are necessary to meet mandatory federal conformity provisions; to make minor administrative changes and to set the effective date for the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 2.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (W), Cooley, Edwards, Gilmer, Hammett, Harper (O), Harper (T), Harrison, Hines, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Letson, McKee, McMillan, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Tucker, Turner, Venable, Ward, Whatley, Willis, Wyatt and Zoghyb.

—53

*Nays:* Reps. Crow and Holley.

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#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 28. To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state; to increase certain fees and charges in relation to transfer of a license and examinations; and to define types of work relationships between brokers and salesmen.

Also:

S. 307. To amend Section 40-23-1, Alabama Code, 1975, as amended, so as to provide that the dispensing or transferring of ophthalmic materials to a patient by licensed ophthalmologists or optometrists, as part of their professional service, shall not be considered a sale subject to the state sales tax; to place the responsibility for collecting the sales tax on the transfer of ophthalmic materials on the supplier of such materials to licensed ophthalmologists and optometrists; and to provide that in limited circumstances, the transfer of ophthalmic materials by opticians shall not be considered a sale subject to the state sales tax.

Also:

S. 356. To amend Act No. 81-654 of the 1981 Regular Session which act relates to allowable interest rates or finance charges determined by the



prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of said act.

Also:

S. 397. To amend Section 27-29-1, Code of Alabama, 1975 to provide that "control" of an Alabama insurer shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing 5 percent or more of the voting securities of such insurer and to provide that for purposes of Section 27-29-3, a domestic insurer shall include any other person controlling a domestic insurer.

Also:

S. 454. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 granting certain powers and authority to Calhoun County and each municipality situated therein relating to the acquisition, leasing, sale and development of industrial sites and industrial park projects.

S. 482. To create an Economic Development Council for Calhoun County for the purpose of promoting industry and trade and the economic development of said county; to provide for the organization, powers, functions, duties, funding, and personnel of such Council and to provide for the payment of the expenses of such Council; to provide for the issuance by the Council for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable from the revenues derived from the leasing or sale of any of its property and from any other or additional sources of revenue as may be specified; to provide that the Council may pledge for the payment of any bonds or obligations assumed by the Council any revenues from which those bonds or obligations are made payable; to authorize the Council to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust and trust indentures on such properties out of the revenues from which such securities are payable; to provide for the investment of funds of the Council; to authorize the sale or conveyance by the Council of any of its properties; to provide for the use of the proceeds of any such securities issued by the Council; to exempt the property and income of the Council and all securities issued by the Council and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the Council is a party, from all taxation in the state; to exempt the Council from all taxation in the state; to exempt the Council from payment of certain charges to judges of probate; to exempt the Council from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the Council from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for the disposition of the excess funds, if any, of the Council; to provide for the dissolution of the Council and the disposition of its property; and to repeal Act No. 425, H. 997, 1975 Regular Session.

Also:

S. 493. Relating to Talladega County; providing recording fees charged by the probate judge.

Also:

S. J. R. 179. COMMENDING OLIVER ROBINSON, UAB.

Also:

S. J. R. 195. CONGRATULATING THE TUSKEGEE INSTITUTE TIGERETTES ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

S. J. R. 198. WISHING MR. JAMES V. "JAKE" JORDAN A SPEEDY RECOVERY.

Also:

S. J. R. 211. HONORING OUR DISTINGUISHED COLLEAGUE, SENATOR PASCHAL P. VACCA OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 216. CREATING A SELECT JOINT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS ON ALL REGULATIONS AND PROCEDURES RELATING TO THE OFFICIAL DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF THE DEPARTMENT OF FORENSIC SCIENCES.

Also:

S. J. R. 223. TO EXTEND THE LIFE OF THE JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for the return of the Bill:

H. 753. To levy additional county sales and use taxes in Pickens County for public school purposes in said county; to provide for the collection, distribution, and use of such taxes; to provide for the enforcement of the Act; to provide for severability; to provide the effective date hereof and for the substitution of the taxes levied hereby; and to prescribe penalties for violation of this Act.

and returns same herewith to the House.

McDOWELL LEE,  
Secretary.

#### SPECIAL ORDER RESUMED

And the bill:

H. 519. To amend Section 16-13-213, Code of Alabama 1975, relating to board of education notes in anticipation of warrants, so as to alter the period of refund, renewal or extension.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dial, Edwards, Gafford, Gilmer, Hammett, Harper (O), Harper (T), Hines, Holley, Horn, Johnson (R. G.), Kennedy, Langford, Letson, McMillan, Manley, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghyby.

—59

And the bill:

H. 692. To amend Sections 16-13-71, 16-13-95 and 16-13-120, Code of Alabama 1975, which relate to school finances generally, so as to remove the maximum allowable rate of interest yielded on certain school warrants, and on past due payments on such warrants.

Was taken up.

#### SUBSTITUTE OFFERED

Rep. Sandusky offered the following substitute to the bill, H. 692:

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 16-13-71, 16-13-95 and 16-13-120, Code of Alabama 1975, each of which relates to the issuance of warrants by county boards of education and city boards of education, so as to eliminate the provisions of each of the said Sections that specify a maximum permissible rate of interest with respect to such warrants, and so as to eliminate the provision of Section 16-13-95, Code of Alabama 1975, specifying the rate of interest payable with respect to matured principal of or interest on such warrants.

Section 1. Section 16-13-71, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-13-71. (a) Warrants issued pursuant to the provisions of this article may bear such rate or rates of interest, not exceeding 12 percent per annum, payable semiannually (provided that the first interest payment date may be at any time not later than nine months after the date of such warrants), may be in such denomination or denominations, may have such maturity or maturities not exceeding 30 years from their date (provided that warrants payable, as to both principal and interest out of the proceeds of any privilege, license or excise tax or taxes, may have a maturity or maturities not exceeding 40 years from their date), may be made redeemable prior to maturity at the option of the issuing board of education at such redemption price or prices and on such terms and conditions, may be payable at such place or places within or without this state, may be executed in such manner and may contain such terms and details not in conflict with the provisions of this

article, all as the board of education issuing such warrants may provide in the proceedings wherein such warrants are authorized to be issued.

"(b) All warrants issued pursuant to the provisions of this article shall be sold in the manner required by the provisions of section 16-13-96, for the sale of capital outlay warrants; provided, that the notice of public sale with respect to the sale of warrants issued hereunder that are not payable out of the proceeds of a county or district ad valorem tax shall, in lieu of stating whether a county or district tax is to be pledged therefore, briefly describe the tax to be pledged for payment of such warrants. No warrants issued pursuant to the provisions of this article may be sold for less than 95 percent of their face value plus accrued interest on such warrants from their date to the date of their delivery., nor shall any warrants issued pursuant to the provisions of this article be sold at a price which would yield more than 12 percent according to standard bond tables taking into account any premium or discount reflected in the sale price.

"(c) The principal proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they were authorized to be issued, including the payment of any expenses incurred in connection with the issuance thereof."

Section 2. Section 16-13-95, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-13-95. All warrants issued hereunder shall bear interest at not exceeding eight percent per annum payable semiannually; provided, that the The first interest payment date with respect to all warrants issued hereunder may be at any time not later than nine months after the date of issue. If the principal of or interest on any warrant at any time issued hereunder shall not be paid when due, the same shall bear interest after maturity until paid at the rate of eight percent per annum until paid; provided, that at At any time after the such principal or interest on any warrant issued hereunder shall have become past due, the board of education may give notice of its intention to pay the same in whole or in part with interest at a specified time and place by publication at least once at least 10 days before the date fixed for such payment in a newspaper published or circulated in the county and also in a daily newspaper published in Montgomery or Birmingham. If such notice shall be duly given and if money to make such payment shall be duly provided, interest on such overdue principal or interest (or the part thereof for payment of which money is so provided) shall cease to accrue on the date fixed for such payment."

Section 3. Section 16-13-120, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-13-120. In any county in which a special license or privilege tax or excise tax may now or hereafter be levied by local act of the legislature of Alabama, the county board of education of the county or the city board of education of any city in the county, as the case may be, may sell and issue interest-bearing warrants, the principal of and the interest on which shall be payable solely from that portion of the proceeds from such tax which may be apportioned and paid to such board of education. Any such warrants may bear such rate or rates of interest, not exceeding eight percent per annum, payable semiannually, may be in such denomination or denominations, may mature over such period of time not exceeding 30 years after their date, may be sold at public or private sale at such price or prices, may be made redeemable prior to maturity at the option of the issuing board at such redemption

price or prices and on such conditions, may be made payable within or without the state, and may contain such details, all as the board of education issuing such warrants may provide in the proceedings wherein the warrants are authorized to be issued. The board of education issuing such warrants shall secure the payment of the principal thereof, and interest thereon by a pledge of the tax proceeds so apportioned, out of which such warrants are made payable; and, if more than one such pledge shall be made with respect to the proceeds from the same tax, then such pledges shall take precedence in the order in which they are made. Said warrants shall not be general obligations of the issuing board of education but shall be payable solely from the limited source herein specified. Said warrants shall be preferred claims against the tax proceeds so apportioned and out of which they are made payable and shall have preference over claims for salaries or other operating expenses or any other purpose. The proceeds from the sale of any such warrants shall be used by the board of education issuing such warrants for the purpose or purposes for which the tax proceeds so apportioned to such board of education are permitted by any such local act to be used. Each such board of education may in like manner from time to time sell and issue refunding warrants for the purpose of refunding a like or greater principal amount of warrants then outstanding which were issued under the provisions of this section and section 16-13-121 and the interest accrued thereon and any premium necessary to be paid thereon. The provisions of said sections applicable to the original issue of warrants so refunded shall likewise be applicable to any such refunding warrants except that the proceeds from the sale of such refunding warrants shall be used only to retire the warrants refunded thereby."

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 57; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Daniels, Edwards, Gafford, Gilmer, Goodwin, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Johnson (R. G.), Letson, McMillan, Manley, Moore, Naramore, Olive, Owens, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

*Nay:* Rep. Holley.

—1

And the bill:

H. 692. To amend Sections 16-13-71, 16-13-95 and 16-13-120, Code of Alabama 1975, each of which relates to the issuance of warrants by county boards of education and city boards of education, so as to eliminate the provisions of each of the said Sections that specify a maximum permissible rate of interest with respect to such warrants, and so as to eliminate the provision of Section 16-13-95, Code of Alabama 1975, specifying the rate of interest payable with respect to matured principal of or interest on such warrants.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Edwards, Gafford, Gilmer, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Howard, Kennedy, Langford, Letson, Lewis, McMillan, Manley, Moore, Naramore, Olive, Parker, Payne, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

*Nay:* Rep. Holley.

—1

#### CO-SPONSOR ADDED

Rep. Buskey was added as co-sponsor to the bill, H. 692.

And the bill:

H. 70. (With Amendment): To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by sub-sections (a) (1) (2) (3) of Section 40-18-19 Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 70 in line 25 by changing Section 30-18-19 Code of Alabama 1975 to read Section 40-18-19 Code of Alabama 1975.

And the amendment was adopted.

Yeas 63; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Edwards, Gafford, Gilmer, Goodwin, Hammett, Harper (T), Higginbotham, Hines, Holley, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, McKee, McMillan, Manley, Moore, Owens, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

*Nays:* Reps. Letson and Olive.

—2

#### CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 70.

SUBSTITUTE OFFERED

Rep. Cates offered the following substitute to the bill, H. 70 as amended:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that certain retirement income of military personnel shall be exempt from state, county and municipal income taxes; to amend Section 40-18-20 of the Code of Alabama 1975, so as to increase the amount of retirement income that shall be exempt from taxation; to provide for different amounts of such exemption to become effective at subsequent dates.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-18-20 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-20.

"The first \$4,750.00 \$8,000.00 retirement or compensation received as retirement benefit from the military services by any person retired from the military services of the United States of America and survivor benefits derived therefrom is hereby exempt from any state, county or municipal income tax or like tax by whatever name called."

Section 2. The provisions of Section 1 of this Act shall become effective January 1, 1983.

Section 3. Effective January 1, 1985, the amount of the exemption provided for in Section 40-18-20 of the Code of Alabama 1975, shall be increased to \$10,000.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 4.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Hall, Hammett, Harper (O), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—80

*Nays:* Reps. Harrison, Olive, Tucker and Wyatt.

—4

CONFLICT OF INTEREST

Due to a conflict of interest, Rep. Grouby will not vote on the bill, H. 70.

And the bill:

H. 70. To provide that certain retirement income of military personnel shall be exempt from state, county and municipal income taxes; to amend Section 40-18-20 of the Code of Alabama 1975, so as to increase the amount of retirement income that shall be exempt from taxation; to provide for different amounts of such exemption to become effective at subsequent dates.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Hall, Hammett, Harper (O), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—83

*Nays:* Reps. Harrison and Olive.

—2

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 70:

Reps. Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gilmer, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, Manley, Minus, Moore, Naramore, Penry, Rains, Ray, Reed, Riddick, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

And the bill:

H. 221. (With Amendment): To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail in Alcoholic Beverage Control Board stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed to the municipalities in which the taxes are collected; and to prohibit any municipality which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores.

Was taken up.



SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 221 with pending amendment reported by the Standing Committee on Ways and Means:

A BILL  
TO BE ENTITLED  
AN ACT

To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail in Alcoholic Beverage Control Board stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed to the counties and municipalities in which the taxes are collected; to provide that the tax proceeds distributed to counties shall be used by those counties for law enforcement purposes; and to prohibit any county or municipality which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes levied and collected on the sale of any alcoholic beverage, there is hereby levied an additional state sales tax in the amount of two percent of the retail price, excluding taxes, on the sales of alcoholic beverages sold at retail by Alcoholic Beverage Control Board stores. Such tax shall be in addition to any and all other taxes collected on sales.

Section 2. (a) The Alcoholic Beverage Control Board shall collect the revenues generated by this Act in the same manner as other taxes and fees collected by it. The sales taxes as collected by the Alcoholic Beverage Control Board on retail sales shall be paid to the Department of Revenue. The Department of Revenue shall redistribute the proceeds therefrom in the following manner unless distribution is otherwise provided by local act:

(1) The Department shall withhold any reasonable charges incurred by the Department in handling such taxes which charges shall be prorated on the basis of the sum collected; provided, however, such charges shall not exceed a sum equal to five percent (5%) of the amount collected;

(2) An amount equal to twenty-five percent (25%) of the tax proceeds shall be distributed to the respective counties in which the taxes are collected, less costs as provided in subsection (1) above; and

(3) An amount equal to seventy-five percent (75%) of the tax proceeds shall be distributed to the respective municipalities in which the taxes are collected, less costs as provided in subsection (1) above.

(b) The Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection and distribution of the said taxes.

Section 3. The tax proceeds distributed to counties under the provisions of this Act shall be used by those counties exclusively for law enforcement purposes.

Section 4. The Commissioner of the Department of Revenue is authorized to promulgate all reasonable rules and regulations necessary to implement the provisions of this Act.

Section 5. For purposes of this Act, Alcoholic Beverage Control Board stores located within the Police Jurisdiction of a municipality shall be considered to be located within the municipality.

Section 6. Any county or municipality receiving any additional taxes pursuant to the provisions of this Act shall be prohibited from levying any additional taxes or fees on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores.

Section 7. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not directly in conflict herewith.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. The taxes to be collected by the Alcoholic Beverage Control Board under this Act shall begin with the next regular price change by the Alcoholic Beverage Control Board which occurs at least 60 days after this Act becomes law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 54; Nays 5.

*Yeas:*

Reps. Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Dial, Edwards, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Higginbotham, Hines, Holmes, Johnson (R. G.), Laird, McKee, McMillan, Minus, Moore, Penry, Rains, Reed, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—54

*Nays:* Reps. Clark (G), Cosby, Lewis, Payne and Turner.

—5

#### AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment to the bill, H. 221 as amended:

Amend Substitute to H. B. 221 by striking Section 5 in its entirety and renumbering the subsequent sections.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 0.

*Yeas:*

Reps. Adams (H), Albright, Biddle, Blake, Bowling, Carothers, Carter, Clark (W), Cooley, Daniels, Dial, Dixon, Gilmer, Goodwin, Grouby, Hall, Higginbotham, Hines, Holmes, Howard, Johnson (R. G.), McKee, McMillan, Minus, Moore, Owens, Penry, Rains, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Tucker, Turnham, Warren, Williams and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 221. To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail in Alcoholic Beverage Control Board stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed to the counties and municipalities in which the taxes are collected; to provide that the tax proceeds distributed to counties shall be used by those counties for law enforcement purposes; and to prohibit any county or municipality which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores.

As amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 16.

*Yeas:*

Reps. Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Cates, Cheatwood, Clark (W), Coburn, Cooley, Crow, Daniels, Dial, Dixon, Edwards, Goodwin, Grouby, Hammett, Harper (O), Higginbotham, Hines, Holley, Holmes, Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Ward, Warren, Whatley and Zoghby.

—61

*Nays:*

Mr. Speaker, Buskey, Carothers, Carter, Clark (G), Cosby, Gafford, Gilmer, Hall, Lewis, Payne, Roberts, Stout, Trammell, Williams and Willis.

—16

## MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Gafford, the rules were suspended in order to take up out of order the bill, S. 272.

Yeas 12; Nays 1.

*Yeas:*

Reps. Bennett, Biddle, Brakefield, Cabaniss, Gafford, Moore, Naramore, Owens, Seibels, Smith (J), Turnham and Waggoner.

—12

*Nay:* Rep. Lewis.

—1

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 272. Relating to Jefferson County: An act fixing supplemental salaries or compensation to be paid certain retired district judges in the 10th Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 11; Nays 3.

*Yeas:*

Reps. Amari, Bennett, Biddle, Brakefield, Cabaniss, Gafford, Goodwin, Moore, Naramore, Seibels and Waggoner.

—11

*Nays:* Reps. Lewis, Olive and Payne.

—3

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 96. To amend further Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Was taken up.

## MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Tucker to indefinitely postpone the bill, H. 96, was lost.

Yeas 1; Nays 30.

*Yea:* Rep. Escott.

—1

*Nays:*

Reps. Blake, Boles, Brakefield, Cabaniss, Cheatwood, Cosby, Crow, Edwards, Gafford, Hammett, Harper (T), Hines, Johnson (R. G.), Laird, Lewis, McMillan, Minus, Olive, Owens, Parker, Payne, Penry, Sasser, Stewart, Trammell, Turner, Waggoner, Williams, Willis and Zoghby.

—30

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Amari:

H. R. 325. CONGRATULATING CHARLES THOMAS PARKER  
"HONORARY ITALIAN".

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 182. To provide authority for the state board of education to appoint a Chancellor to serve as the executive officer of the board to assist the board in carrying out its authority and responsibility to operate and manage the junior colleges and trade schools, and Athens College; provide that the board shall set salary of its chief executive officers; establish the authority of the board and Chancellor regarding the junior colleges and trade schools and the Office of the Chancellor; and provide authority for administrative actions necessary to govern the junior colleges and trade schools.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 617. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Alabaster, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 638. Relating to Shelby County; providing for a salary adjustment for the sheriff of Shelby County.

Also:

H. 677. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1982.

Also:

H. 545. Relating to Montgomery County; providing further for the salary of the tax collector, effective upon the next term of office.

Also:

H. 546. Relating to Montgomery County; providing further for the salary of the tax assessor, effective upon the next term of office.

Also:

H. 547. Relating to Montgomery County; providing further for the salary of the probate judge effective upon the next term of office.

Also:

H. 656. Relating to Fayette County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county at the end of the current term; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Also:

H. 657. Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Also:

H. 48. Proposing an amendment to the Constitution of 1901, providing for costs and charges of courts in Winston County.

Also:

H. 337. To authorize the Barbour County Commission to compensate the Board of Equalization of Barbour County.

Also:

H. 636. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Barbour County; and to specifically repeal Act No. 81-731, H. 1048, 1981 Regular Session.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 10. ENLARGING THE SCOPE OF THE INTERIM COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES AS CREATED BY ACT NO. 1178, H. J. R. 430 OF THE 1975 REGULAR SESSION AND EXTENDED BY ACT NO. 79-752, H. J. R. 250 OF THE 1979 REGULAR SESSION, SO AS TO STUDY VARIOUS PROBLEM AREAS AND ISSUES OF THE RETIREMENT SYSTEMS OF ALABAMA.

Also:

H. J. R. 165. RESETTING THE ELECTION DATE FOR ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTIONAL AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, AND RESCINDING THE ELECTION DATE THEREON AS DESIGNATED BY ACT NO. 81-1190, H. J. R. 75, THIRD SPECIAL SESSION 1981.

Also:

H. J. R. 166. RECALLING ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTIONAL AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, FROM THE SECRETARY OF STATE AND RESCINDING THE ELECTION DATE THEREON AS DESIGNATED BY ACT 81-1190, H. J. R. 75, THIRD SPECIAL SESSION 1981.

Also:

H. J. R. 238. COMMENDING THE WEST END CHRISTIAN HIGH SCHOOL MARCHING CRUSADERS BAND.

Also:

H. J. R. 241. CONGRATULATING THE TUSKEGEE INSTITUTE TIGERETTES, RUNNERS-UP TO THE NCAA-II WOMEN'S BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 256. COMMENDING THE SELMA-DALLAS COUNTY CHAMBER OF COMMERCE AND MRS. CAROLYN HUTCHESON FOR THE HOSPITALITY SHOWN TO THE JOINT INTERIM COMMITTEE STUDYING THE CAHABA STATE CAPITOL SITE.

Also:

H. J. R. 257. COMMENDING GEORGE HATAWAY, JR., TUSCALOOSA, ALABAMA, ON HIS RETIREMENT.

Also:

H. J. R. 266. REQUESTING THE ALABAMA LAW INSTITUTE AND THE LEGISLATIVE COUNCIL TO CONDUCT AN ORIENTATION IN TUSCALOOSA AND MONTGOMERY FOR LEGISLATORS ELECTED IN THE 1982 GENERAL ELECTION.

Also:

H. J. R. 286. MOURNING THE DEATH OF DR. ERIC RODGERS, NOTED PHYSICIST AND FORMER DEAN OF THE GRADUATE SCHOOL, UNIVERSITY OF ALABAMA.

Also:

H. J. R. 293 HONORING DR. ROBERT L. RANDOLPH UPON HIS INAUGURATION AS PRESIDENT OF ALABAMA STATE UNIVERSITY.

Also:

H. J. R. 294. NAMING A SOFTBALL FIELD IN BOWERS PARK, TUSCALOOSA, ALABAMA, THE "JERRY EUGENE JONES SOFTBALL FIELD."

McDOWELL LEE,  
Secretary.

#### SPECIAL ORDER RESUMED

And the bill:

H. 96. To amend further Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Was taken up.

#### AMENDMENT OFFERED

Rep. Jackson offered the following amendment to the bill, H. 96:

Amend H. B. 96 on page 3 line 35 by deleting section 2 entirely and substituting therefor the following:

Section. This Act shall become effective on Jan. 18, 1984.

#### AMENDMENT TABLED

On motion of Rep. Payne, the amendment offered by Rep. Jackson to the bill, H. 96, was tabled.

Yeas 26; Nays 3.

Yeas:

Reps. Adams (C), Bedsole, Biddle, Cabaniss, Cheatwood, Clark (G), Gafford, Harper (O), Hines, Howard, Johnson (R. G.), Laird, Lewis, McMillan, Manley, Minus, Naramore, Owens, Penry, Roberts, Sasser, Shavers, Shoemaker, Stewart, Trammell and Willis.

—26

Nays: Reps. Holmes, Jackson and Johnson (Roy).

—3

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:



H. 337. To authorize the Barbour County Commission to compensate the Board of Equalization of Barbour County.

Also:

H. 545. Relating to Montgomery County; providing further for the salary of the tax collector, effective upon the next term of office.

Also:

H. 546. Relating to Montgomery County; providing further for the salary of the tax assessor, effective upon the next term of office.

Also:

H. 547. Relating to Montgomery County; providing further for the salary of the probate judge effective upon the next term of office.

Also:

H. 617. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Alabaster, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 636. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Barbour County; and to specifically repeal Act No. 81-731, H. 1048, 1981 Regular Session.

Also:

H. 638. Relating to Shelby County; providing for a salary adjustment for the sheriff of Shelby County.

Also:

H. 656. Relating to Fayette County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county at the end of the current term; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Also:

H. 657. Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Also:

H. 677. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1982.

Also:

H. 48. Proposing an amendment to the Constitution of 1901, providing for costs and charges of courts in Winston County.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## H. 96 RESUMED

And the bill, H. 96, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 7.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Biddle, Blake, Cabaniss, Carter, Cheatwood, Clark (G), Crow, Daniels, Drinkard, Edwards, Gafford, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Howard, Johnson (R. G.), Laird, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Penry, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—54

*Nays:*

Reps. Bennett, Buskey, Clark (W), Escott, Holmes, Jackson and Tucker.

—7

## MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Zoghby to suspend the rules in order to take up out of order the bill, H. 131, was lost, lacking a four-fifths vote.

Yeas 23; Nays 22.

*Yeas:*

Reps. Biddle, Buskey, Carter, Edwards, Escott, Gafford, Grouby, Higginbotham, Holley, Holmes, Kennedy, Moore, Parker, Ray, Reed, Riddick, Smith (J), Starkey, Trammell, Turner, Whatley, Williams and Zoghby.

—23

*Nays:*

Reps. Blake, Bowling, Cheatwood, Cobb, Drinkard, Hall, Harvey, Jackson, Johnson (R. G.), Johnson (Roy), Lewis, Minus, Owens, Pegues, Roberts, Sasser, Seibels, Shavers, Smith (C), Stout, Ward and Wyatt.

—22

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 161. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), § 40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the bill, H. 161, said Senate amendment being as follows:

Amend H. B. 161 on page 10, line 10 by deleting "3%" and inserting in lieu thereof the figures "4.50%."

Further amend on lines 16 and 17, page 10, by deleting the words "without any 3% reduction.", substituting therefor the words "such rate to be reduced by the lesser of 4.50% or the difference between such rate and 2%."

Further amend on Page 11, Line 6, by inserting after the word "shall" the figures and letter "(a)" and on line 8, by inserting after the word "hereunder" a comma and "and (b) not be more than 100% of such standard values as computed for the first tax year for which values are computed hereunder plus, with respect to each such value, amounts equal to 3% of such values multiplied by the number of tax years elapsed since the tax year beginning October 1, 1981."

Further amend on Page 12, Line 37 by deleting the figures "3%" and inserting the figures "4.50%."

Further amend on Page 13, lines 9 and 10, after the word "available," by deleting the words "without any 3% reduction" and substituting therefor the words "such rate to be reduced by the lesser of 4.50% or the difference between such rate and 2%."

Further amend on Page 13, Line 17, after the word "shall" add the figures and letter "(a)" and on line 19 after the word "hereunder" add", and (b) not be more than 100% of such standard values as computed for the first tax year for which values are computed hereunder plus, with respect to each such value, amounts equal to 3% of such values multiplied by the number of tax years elapsed since the tax year beginning October 1, 1981."

Yeas 76; Nays 7.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

*Nays:*

Reps. Albright, Bennett, Cabaniss, Ford, Riddick, Seibels and Stewart.

—7

And the bill, H. 161 as amended, was again read at length and passed.

Yeas 61; Nays 33.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Daniels, Dial, Edwards, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Johnson (R. G.), Laird, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—61

*Nays:*

Reps. Adams (C), Amari, Barton, Bennett, Buskey, Cabaniss, Campbell, Clark (W), Crow, Dixon, Drinkard, Escott, Ford, Gafford, Harrison, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, McKee, Olive, Parker, Reed, Roberts, Seibels, Stewart, Tucker, Turnham, Waggoner and Zoghby.

—33

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Amari:

H. R. 326. CONGRATULATING RALPH HOLMES AND HIS DAUGHTER, TAMMY.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 10. ENLARGING THE SCOPE OF THE INTERIM COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES AS CREATED BY ACT NO. 1178, H. J. R. 430 OF THE 1975 REGULAR SESSION AND EXTENDED BY ACT NO. 79-752, H. J. R. 250 OF THE 1979 REGULAR SESSION, SO AS TO STUDY VARIOUS PROBLEM AREAS AND ISSUES OF THE RETIREMENT SYSTEMS OF ALABAMA.

Also:

H. J. R. 165. RESETTING THE ELECTION DATE FOR ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTIONAL AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, AND RESCINDING THE ELECTION DATE THEREON AS DESIGNATED BY ACT NO. 81-1190, H. J. R. 75, THIRD SPECIAL SESSION 1981.

Also:

H. J. R. 238. COMMENDING THE WEST END CHRISTIAN HIGH SCHOOL MARCHING CRUSADERS BAND.

Also:

H. J. R. 241. CONGRATULATING THE TUSKEGEE INSTITUTE TIGERETTES, RUNNERS-UP TO THE NCAA-II WOMEN'S BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 256. COMMENDING THE SELMA-DALLAS COUNTY CHAMBER OF COMMERCE AND MRS. CAROLYN HUTCHESON FOR THE HOSPITALITY SHOWN TO THE JOINT INTERIM COMMITTEE STUDYING THE CAHABA STATE CAPITOL SITE.

Also:

H. J. R. 257. COMMENDING GEORGE HATAWAY, JR., TUSCALOOSA, ALABAMA, ON HIS RETIREMENT.

Also:

H. J. R. 266. REQUESTING THE ALABAMA LAW INSTITUTE AND THE LEGISLATIVE COUNCIL TO CONDUCT AN ORIENTATION

IN TUSCALOOSA AND MONTGOMERY FOR LEGISLATORS ELECTED  
IN THE 1982 GENERAL ELECTION.

Also:

H. J. R. 286. MOURNING THE DEATH OF DR. ERIC RODGERS,  
NOTED PHYSICIST AND FORMER DEAN OF THE GRADUATE  
SCHOOL, UNIVERSITY OF ALABAMA.

Also:

H. J. R. 293. HONORING DR. ROBERT L. RANDOLPH UPON HIS  
INAUGURATION AS PRESIDENT OF ALABAMA STATE UNIVERSITY.

Also:

H. J. R. 294. NAMING A SOFTBALL FIELD IN BOWERS PARK,  
TUSCALOOSA, ALABAMA, THE "JERRY EUGENE JONES SOFTBALL  
FIELD."

Also:

H. J. R. 166. RECALLING ACT NO. 81-889, S. 32 OF THE FIRST  
SPECIAL SESSION 1981, PROPOSING A CONSTITUTIONAL AMEND-  
MENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS,  
FROM THE SECRETARY OF STATE AND RESCINDING THE ELEC-  
TION DATE THEREON AS DESIGNATED BY ACT 81-1190, H. J. R. 75,  
THIRD SPECIAL SESSION 1981.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Mitchem and deGraffenried:

S. J. R. 228. HONORING MR. JOHN HANNAH FOR OUTSTANDING  
ATHLETIC ACCOMPLISHMENT, AND AS AN EXEMPLAR OF  
CHRISTIAN PRINCIPLE.

Also:

By Messrs. Little and Higginbotham:

S. J. R. 229. MOURNING THE DEATH OF ILAH NATION  
DEAN OF OPELIKA, ALABAMA.

Also:

By Mr. Martin:

S. J. R. 232. COMMENDING AUSTIN HIGH SCHOOL, DECATUR, ALABAMA, ON ITS U. S. HIGH SCHOOL NATIONAL RECORD IN UNITS OF BLOOD COLLECTED 1981-82.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 228, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 229 and S. J. R. 232, the titles of which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Callahan, Bailey, Britnell, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White:

S. J. R. 226. MEMORIALIZING CONGRESS TO REINSTATE THE BURIAL ALLOWANCE AFFORDED CERTAIN VETERANS.

WHEREAS, the Legislature of Alabama hereby takes note that the Veterans Administration has eliminated the three hundred dollar burial allowance for certain wartime veterans; and

WHEREAS, the veterans of World War II and the Korean Conflict are reaching the age to be considering the consequences of their advancing age; and

WHEREAS, the majority of these veterans do not receive compensation or pension, and are not in the higher income brackets; and

WHEREAS, the Rehabilitation Commission of the American Legion, Department of Alabama, has recommended the reinstatement of the three hundred dollar burial allowance, retroactive to October 1, 1981, to all veterans previously entitled to this benefit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most urgently memorialize the U. S. Congress to restore the burial allowance to all veterans and that copies of this resolution be sent to each member of the Alabama Congressional Delegation.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

The resolution, S. J. R. 226, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Callahan, Bailey, Britnell, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White:

S. J. R. 227. MEMORIALIZING THE CONGRESSIONAL DELEGATION OF THE STATE OF ALABAMA TO OPPOSE ANY CURTAILMENT OF MEDICAL CARE FOR VETERANS.

WHEREAS, the Alabama Legislature notes that the Veterans of World War II will soon be eligible for free medical care in Veterans Administration Hospitals and Medical Centers; and

WHEREAS, the Veterans Administration Administrator, Robert Nimmo, has released to the National Press and had published by local newspapers articles concerning his intention of drawing up plans to be submitted to the U. S. Congress, specific plans to eliminate benefits for all World War II and Korean Veterans relating to hospital care at age 65 and older in Veterans Hospitals and Medical Centers; and

WHEREAS, this medical care, with no strings attached, is provided by laws already enacted by Congress; and

WHEREAS, that 2.4 million World War II Veterans and 6 million Korean Veterans will become eligible for this free medical treatment at the age of 65 years at Veterans Administration Hospitals and Medical Centers; and

WHEREAS, the VA Administrator does not state that there are at present 3.3 million veterans age 65 years and older now on the VA rolls; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does memorialize the United States Congress to oppose any curtailment of medical care benefits to veterans.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to members of the Alabama Congressional Delegation that they may know of our concern.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

The resolution, S. J. R. 227, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.



MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Vacca (With Notice and Proof):

S. 510. Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 510, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Mitchem (With Notice and Proof):

S. 519. Relating to DeKalb County; providing for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and providing for an effective date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 519, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Cook (With Notice and Proof):

S. 531. To amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), relating to Shelby County and the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 531, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 510. Local Legislation No. 2.

S. 519. Local Legislation No. 1.

S. 531. Local Legislation No. 1.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. McDonald (With Notice and Proof):

S. 407. To provide in Madison County, Alabama, for the fee charged and collected for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 13-6-155, Code of Alabama 1975, as last amended; to provide for the distribution of such fees and for law enforcement; and to specifically repeal Act No. 489, H. 1034 of the 1975 Regular Session, relating to pistol permit fees in Madison County; and all conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 407, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Hall (With Notice and Proof):

S. 459. Relating to Walker County; providing for an additional fee for the issuance of a pistol permit fee by the sheriff; providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 459, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Proctor (With Notice and Proof):

S. 509. Relating to Shelby County; to provide for an additional expense allowance for the Commission Chairman.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 509, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Holmes (With Notice and Proof):

S. 512. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 512, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Callahan (With Notice and Proof):

S. 516. To amend Section Five of Act No. 651, H. 377, Regular Session 1975 (Acts 1975, p. 1408) which provides retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 516, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. McDonald (With Notice and Proof):

S. 517. RELATING TO SCHOOL DISTRICT ONE, MADISON COUNTY; Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in School District One, Madison County, in order to raise funds for the operation of the public schools in School District One, Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and prescribing the purposes for which such proceeds may be used.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 517, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Mitchem (With Notice and Proof):

S. 518. Relating to DeKalb County; directing and requiring the county commission to provide for holding a referendum election relative to the distribution of the payments made in lieu of certain ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975 and directing the DeKalb County Commission to provide for the distribution of such funds in the manner approved by the majority of the voters at this referendum.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 518 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Gullledge (With Notice and Proof):

S. 520. Relating to the Town of Loxley in Baldwin County; authorizing the Town of Loxley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other

evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 520 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Cook (With Notice and Proof):

S. 508. To supplement the salary of a supernumerary Circuit District Attorney of the Tenth Judicial Circuit of Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 508 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 407. Local Legislation No. 4.
- S. 459. Local Legislation No. 1.
- S. 509. Local Legislation No. 1.
- S. 512. Local Legislation No. 1.
- S. 516. Local Legislation No. 3.
- S. 517. Local Legislation No. 4.
- S. 518. Local Legislation No. 1.
- S. 520. Local Legislation No. 1.
- S. 508. Local Legislation No. 2.

#### RESOLUTION

The following resolution was introduced:

By Reps. Turnham, Hines, Boles, Ward and Whatley:

H. J. R. 327. MOURNING THE DEATH OF MR. ROBERT BRYANT STRONG OF AUBURN, ALABAMA.

WHEREAS, with deep sadness and regret, the Legislature of Alabama notes the tragic and untimely death of Mr. Robert Bryant Strong of Auburn, Alabama, on April 6, 1982, at the age of 60 years; and

WHEREAS, Mr. Strong, who lost his life as a result of a highway accident, was serving at the time of his death as director of the Office of High School and Junior College Relations at Auburn University and was traveling on University business when the fatal crash occurred; and

WHEREAS, a native of Brewton, Alabama, Mr. Strong was a graduate of that city's T. R. Miller High School and held both the bachelor's and master's degrees from Auburn University; and

WHEREAS, a former teacher and assistant principal with the Alabama public schools, Mr. Strong joined the Auburn University staff in 1962 as assistant director of the department he was directing at his death; and

WHEREAS, he was an active member and elder of the First Presbyterian Church, the recipient in 1981 of the Howard Strong Memorial Award established by Omicron Delta Kappa honor society, and also the 1973 recipient of the Air Force ROTC Outstanding Service Award; and

WHEREAS, the death of Mr. Robert Bryant Strong has left a deep void in the Auburn community and indeed in the lives of all those privileged to know him as a kind, generous and thoughtful man who served in care and concern for the betterment of his university and the town he loved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn and express deep regret in the death of Mr. Robert Bryant Strong of Auburn, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Pearl Fromm Strong, their son, Russell W. Strong, and other family members whose sorrow we share and to whom a copy of this resolution shall be sent.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 327, was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Gilmer, the rules were suspended in order to take up out of order the bill, H. 609.

Yeas 33; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bowling, Brakefield, Carothers, Cates, Cobb, Coburn, Dial, Edwards, Escott, Gafford, Gilmer, Goodwin, Hall, Harper (O), Harper (T), Johnson (R. G.), Kennedy, Letson, Minus, Naramore, Parker, Payne, Riddick, Smith (J), Stewart, Turner, Venable, Waggoner, Williams and Zoghby.

—33

*Nays:* Reps. Pegues and Wyatt.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### SPECIAL ORDER RESUMED

And the bill:

H. 609. (With Substitute): To require oil and gas well operators to make payments to certain owners within a certain time frame and to provide for interest if such time limit is not met.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Natural Resources, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for and prescribe time limits in which proceeds derived from the sale of oil and gas production shall be paid to the person or persons legally entitled thereto and to further prescribe interest penalties for failure to meet the said limits.

Be It Enacted by the Legislature of Alabama:

Section 1. The proceeds derived from the sale of oil or gas production from any oil or gas well shall be paid to persons legally entitled thereto, commencing no later than 6 months after the date of the first sale, and thereafter no later than 60 days after the end of the calendar month within which subsequent production is sold. Such payment is to be made to persons legally entitled thereto by the first purchasers of such production by tender to such person's designated agents or at their last known address. Provided, such purchasers may remit to the persons entitled to such proceeds from production semi-annually where the aggregate of 6 months accumulation of monthly proceeds does not exceed \$60.00. As used therein, "first purchaser" shall mean the first commercial purchaser of production after completion of the well and shall not include purchasers of oil or gas during initial testing prior to completion of the well.

Further provided, that any delay in determining the persons legally entitled to an interest in such proceeds from production caused by unmarketable title to such interest shall not affect payment to persons whose title is marketable. Provided, however, that in those instances where such proceeds derived from oil or gas produced and sold after the effective date of this act cannot be paid within the time allowed by this section because the title thereto is not marketable, the purchasers of such production shall remit to the parties ultimately determined to be the legal owners of such production, the full amount of such proceeds plus interest at the rate of 8% per annum, such interest to accrue from the date that proceeds were due to persons with marketable title as hereinabove specified. Marketability of title shall be determined in accordance with the then current legally recognized real property law governing title to oil and gas interest. The first purchaser shall be exempt from provisions of this sub-section and the operator and/or the owner of the right to drill and to produce under an oil and/or gas lease shall be substituted for the first purchaser therein where the operator and/or the owner and purchaser have entered into an arrangement where the proceeds are paid by the purchaser to the operator and/or the owner who assumes responsibility of paying the proceeds to persons legally entitled thereto. Where the operator and/or the owner of the drilling rights are substituted herein for the purchaser, the period of time set forth herein under which such parties must account to persons entitled to the production shall be determined as of the date of receipt of the proceeds for such production as opposed to the date of first sale applicable to the purchaser.

Section 2. Any first purchaser of production or operator and/or owner of the right to drill substituted for the first commercial purchaser as provided herein, that violates this section shall be liable to the persons legally entitled to the proceeds from production for the unpaid amount of such proceeds plus interest at the rate of 12% per annum, such interest accruing from the date at which such proceeds were due as specified herein.

Section 3. The Circuit Court for the county or counties in which the oil or gas well is located shall have jurisdiction over all proceedings brought pursuant to this section.

Section 4. All laws or parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Section 5. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 51; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Carothers, Cates, Cheatwood, Cobb, Coburn, Cooley, Dial, Edwards, Escott, Gafford, Gilmer, Goodwin, Hall, Hammett, Harper (O), Harper (T), Horn, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McMillan, Minus, Naramore, Olive, Parker, Payne, Rains, Ray, Seibels, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—51

*Nays:* Reps. Harrison and Holley.

—2

And the bill:

H. 609. To provide for and prescribe time limits in which proceeds derived from the sale of oil and gas production shall be paid to the person or persons legally entitled thereto and to further prescribe interest penalties for failure to meet the said limits.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Dixon, Gafford, Gilmer, Goodwin, Hall, Hammett, Harper (T), Higginbotham, Holmes, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Naramore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren and Williams.

—54

*Nay:* Rep. Holley.

—1

#### CO-SPONSORS ADDED

Rep. Turner and Cobb were added as co-sponsors to the bill, H. 609.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 161. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), § 40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

## RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. J. R. 328. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, April 8, 1982, we adjourn to meet again on Wednesday, April 14, 1982.



SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the resolution, H. J. R. 328:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today we meet again on Tuesday, April 13, 1982, 12:00 noon.

SUBSTITUTE TABLED

On motion of Rep. Manley, the substitute offered by Rep. Johnson (Roy), to the resolution, H. J. R. 328, was tabled.

Yeas 53; Nays 31.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Dial, Edwards, Gilmer, Goodwin, Grouby, Harper (O), Higginbotham, Hines, Howard, Johnson (R. G.), Laird, McMillan, Manley Minus, Moore, Owens, Pegues, Penry, Rains, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams and Willis.

—53

*Nays:*

Reps. Albright, Amari, Barton, Bennett, Buskey, Clark (W), Crow, Daniels, Dixon, Drinkard, Escott, Gafford, Hall, Harvey, Holmes, Horn, Jackson, Johnson (Roy), Kennedy, Langford, Lewis, Naramore, Olive, Parker, Seibels, Stewart, Stout, Tucker, Turner, Wyatt and Zoghby.

—31

RESOLUTION ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 328, was adopted.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—85

Also:

By Rep. Manley:

H. R. 329. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, April 8, 1982, we adjourn to meet again on Wednesday, April 14, 1982, at 12:00 noon.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 329, was adopted.

Yeas 81; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

*Nays:* Reps. Amari and Bennett.

—2

#### SPECIAL ORDER RESUMED

And the bill:

H. 755. To amend Section 8-8-10, Code of Alabama 1975, relating to interest on money judgments and costs, so as to provide further for the rate of interest.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 4.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Johnson (R. G.), Letson, Lewis, McMillan, Manley, Minus, Moore, Owens, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—69

*Nays:* Reps. Escott, Holley, Jackson and Tucker.

—4

#### RESOLUTION

The following resolution was introduced:

By Reps. Waggoner, Biddle, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

**H. J. R. 330. EXPRESSING APPRECIATION TO THE ALABAMA SYMPHONY ORCHESTRA FOR COURTESIES EXTENDED TO THE LEGISLATURE.**

WHEREAS, the Alabama Legislature expresses sincere appreciation to the Alabama Symphony Orchestra which performed in concert for members of the Legislature on April 7, 1982; and

WHEREAS, the festive occasion began with a delicious buffet served at the Downtowner Motor Inn and was followed by a Pops Concert presented by our State's official Symphony which included selections from "My Fair Lady" and a medley of old favorite Southern tunes, among many others; and

WHEREAS, the evening will long be remembered with pleasure by those of us in attendance and with appreciation for the courtesies extended by the Alabama Symphony Orchestra; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we express our sincere appreciation to the Alabama Symphony Orchestra for the delightful evening of April 7 and most particularly for the magnificent musical program presented for our pleasure.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be provided for the Alabama Symphony Orchestra in token of our gratitude, in appreciation of their extraordinary talent and in warm regard.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 330, was adopted.

**SPECIAL ORDER RESUMED**

And the bill:

**H. 201. (With Substitute):** To amend Section 12-17-110, Code of Alabama 1975, providing for the re-appointment and removal of circuit court registers, so as to provide for an extension of not more than six years upon the re-appointment of a circuit court register who otherwise would be eligible to retire, and providing limitations on the salary of same.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 12-17-110, Code of Alabama 1975, providing for the re-appointment and removal of circuit court registers, so as to provide for an extension of not more than six years upon the re-appointment of a circuit court register who otherwise would be eligible to retire, and providing limitations on the salary of same.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-110, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-17-110. Officer of register not to be filled when vacancy occurs; re-appointment of registers holding office on October 10, 1975; removal of registers.

(a) Vacancies.—When the position of register in any circuit court becomes vacant upon the death, resignation, retirement or inability of the incumbent to satisfy the conditions for re-appointment specified in subsection (b) of this section, the vacancy shall not be filled, and the responsibilities and authority of the register shall become the responsibilities and authority of the clerk of the circuit court for the county where the register served.

(b) Re-appointment.—A register who:

(1) Holds office on October 10, 1975, and

(2) Is not eligible to retire and receive retirement compensation by reason of age and years of service or by provision of any retirement program in effect on January 16, 1977.

may be re-appointed for terms of six years, but no register shall be re-appointed after completion of any term during which he becomes eligible to retire and receive retirement compensation; provided, that a register who becomes eligible to retire during a term shall be eligible to re-appointment for one additional six year term with, appointment being made on a year-to-year basis and with the concurrence of a majority of the circuit judges within the circuit or by unanimous agreement where there are only two circuit judges filed in writing, in either case, with the administrative director of courts each year; and provided further, that until such time as the register becomes eligible to retire and receive retirement compensation, re-appointment shall be automatic unless a majority of the circuit judges within the circuit, or by unanimous agreement where there are only two circuit judges file a written declaration with the administrative director of courts stating that the register shall not be re-appointed. At such time, the office shall be deemed vacant under subsection (a) of this section. The state salary for any register re-appointed after becoming eligible to retire as provided herein shall not exceed the then-current state salary for circuit clerks, nor shall the state salary for any such register be increased upon re-appointment, except for cost of living raises otherwise provided by law.

(c) Removal—The register shall be subject to removal by the judge who appointed him for cause by order to be entered at length on the minutes of the court.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 55; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Goodwin, Grouby, Hall, Harper (O), Harper (T), Harvey, Higginbotham, Johnson (Roy), Kennedy, Letson, Lewis, McMillan, Minus, Moore, Owens, Penry, Rains, Reed, Riddick, Roberts, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—55

*Nays:* Reps. Holley and Naramore.

—2

And the bill, H. 201, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Biddle, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Goodwin, Grouby, Hall, Harper (O), Harper (T), Harvey, Higginbotham, Johnson (Roy), Kennedy, Langford, Letson, Lewis, McMillan, Minus, Moore, Owens, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—58

*Nays:* Reps. Holley and Naramore.

—2

And the bill:

H. 150. (With Substitute): To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the first payday on October 1, 1982 and payable in twenty-seven equal installments beginning on the first payday on October 1, 1982, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and all hourly employees of the

state, except those set out in Section 2 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and state judges, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the state board of health shall receive a 12 percent salary increase. Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges or any other employee of this state. All such increases shall be in addition to the salary received by such employees.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the state treasury if such judges' salaries are increased under and by the virtue of: (1) The recommendations contained in the Report of the Judicial Compensation Commission to the 1982 Regular Session of the Legislature becoming law; or (2) the enactment into law of legislation altering and amending said report; or (3) any other legislation enacted into law during the 1982 Regular Session of the legislature. By this act the legislature directs that the aforesaid 12 percent increase for fiscal year 1982-83 be paid from funds incorporated in and appropriated by the general appropriations act for the fiscal year ending September 30, 1983, and from funds incorporated in and appropriated by the education appropriations act for fiscal year ending September 30, 1983. It is not the intent of this act to appropriate additional monies for this purpose.

Section 3. The director of the state personnel department shall revise the schedule of rates set forth in the pay plan for state employees subject to the merit system law to reflect the increase provided and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. The director of the state personnel department shall also revise the rates of pay for hourly state employees and for legislative personnel, including but not limited to Legislative Reference Service personnel, not subject to the state merit system law to reflect the increases herein provided and the comptroller shall draw the warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller who shall issue warrants in accordance therewith.

Section 4. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—85

#### AMENDMENT OFFERED

Rep. Owens offered the following amendment to the bill, H. 150 as amended:

In the title, on p.1, add a semicolon and add the following:

and to provide that certain employees shall be brought up to the normal step under the state pay plan; and to appropriate funds.

On p. 2, lines 14-19, existing Section 2, delete the last two sentences of the Section.

On p. 2, add the following new section, and renumber the remaining sections:

Section 2. Any law to the contrary notwithstanding, in addition to any increase in compensation granted in Section 1, any state employee granted a step increase after October 1, 1980, under the provisions of Act 80-616, Regular Session 1980, which step increase was in an amount less than a normal step under the state pay plan shall be brought up to the step in the state pay plan where such employee would be without regard to any limitation on step increases under the provisions of such Act.

On p. 3, after line 7, add the following new Section 5 and renumber the remaining sections 6-8:

Section 5. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1982, from such funds as the salaries of the several state employees are paid, or, if there is not sufficient money in such funds, then from the general fund of the State treasury or any revenue sharing funds, such additional sums as may be necessary to pay the salary increases herein provided for such state employees and officials as are subject to the provisions of this Act.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates,

Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holmes, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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*Nays:* Reps. Holley and Howard.

—2

And the bill:

H. 150. To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983; and to provide that certain employees shall be brought up to the normal step under the state pay plan; and to appropriate funds.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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#### CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 150.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 4. To amend Section 12-16-100 of the Code of Alabama 1975, relating to the drawing, selecting and impaneling of juries in criminal cases, so as to establish one-for-one strikes in criminal cases and to establish procedures for the selection and use of alternate jurors in criminal cases.

McDOWELL LEE,  
Secretary.



SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 480. (With Amendment): To provide a 14% increase in the state compensation payable to certain personnel in public education for the fiscal year ending September 30, 1983.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 480 with pending amendment reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide an increase in the state compensation payable to certain personnel in public education for the fiscal year ending September 30, 1983. To provide an additional 2% increase in the state compensation payable to certain personnel in public education for the fiscal year ending September 30, 1983 conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a 14% salary increase in the state salary allotment paid to the education personnel enumerated in Section 2 of this act. Such increase is intended to be based exclusively on the base state salary allotment paid to such personnel during fiscal year 1981-82. By this act the legislature directs that the aforesaid 14% increase for fiscal year 1982-83 be paid from funds incorporated in and appropriated by the education appropriations act for the support and maintenance of public education in Alabama for the fiscal year ending September 30, 1983. It is not the intent of this act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the State Board of Education for disbursement to the local school systems the funds necessary to grant a 14% increase in the amount of the base state salary allotment paid to the below named education personnel; allocation shall be based on the following:

(a) State base salary allotment payable during the 1981-82 fiscal year for teacher units funded from the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors in the Department of Youth Services.

(b) State allotments payable during the 1981-82 fiscal year to full-time lunchroom workers, bus drivers, and all other support personnel in the

elementary-secondary systems. All full-time support personnel shall be authorized a full 14% salary increase to be distributed by the State Board of Education.

(c) Local public school systems that accept any funds from the State Board of Education shall provide a 14% salary increase to full-time lunchroom or cafeteria employees, bus drivers and all other support personnel.

Section 3. (a) It is the intent of the legislature that the State Board of Education grant a salary increase to full-time personnel employed at the junior, community, and technical colleges. Provided, however, that the total cost of said salary increase shall not exceed the increase in the state appropriations for the 1982-83 fiscal year over and above the state appropriations for the 1981-82 fiscal year for either the junior, community, or technical colleges. It is also provided that the percentage increase shall be the same for employees at the junior, community, and technical colleges.

(b) It is the intent of the legislature that the total increase in the state appropriations for the 1982-83 fiscal year over and above the state appropriations for the 1981-82 fiscal year to the Alabama Institute for the Deaf and Blind be used to grant salary increases to full-time personnel employed at said institution.

Section 4. It is the intent of the legislature to provide an additional 2% salary increase for the educational personnel enumerated in Section 2 of this act. Such 2% increase shall be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and approval of the Governor. This increase shall be paid from the conditional appropriation incorporated in and appropriated by the education appropriations act for the support and maintenance of public education in Alabama for the fiscal year ending September 30, 1983. It is not the intent of this act to appropriate additional monies for this purpose. On April 1, 1983, the Governor shall grant a 1% salary increase retroactive to October 1, 1982 for the educational personnel enumerated in Section 2 of this act if the funds necessary to cover such a salary increase are certified by the State Finance Director to be available in the Alabama Special Educational Trust Fund after the absolute appropriations have been paid which are due from the Alabama Special Educational Trust Fund for the first six months of the 1982-83 fiscal year. On September 30, 1983, the Governor shall grant a 1% salary increase retroactive to October 1, 1982, for the educational personnel enumerated in Section 2 of this act if the funds necessary to cover such a salary increase are certified by the State Finance Director to be available in the Alabama Special Educational Trust Fund after the absolute appropriations have been paid from the fund for the fiscal year ending September 30, 1982.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective October 1, 1982.

#### SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the pending substitute offered by Rep. Owens to the bill, H. 480 with pending committee amendment, said substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a sixteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a sixteen percent salary or other cost-of-living increase in the salary paid to the education personnel and on the basis enumerated in Section 2 of this Act. By this Act the legislature directs that the aforesaid sixteen percent or other cost-of-living increase for fiscal year 1982-83 be paid from the fund from which the institution or system receives its appropriation for the fiscal year ending September 30, 1983. It is not the intent of this Act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the State Board of Education, the Board of Trustees of the Alabama Institute for Deaf and Blind, and the Board of Directors of the Department of Youth Services for disbursement to the appropriate educational systems and institutions the funds necessary to grant a sixteen percent or other cost-of-living increase based on the following:

(a) Sixteen percent of the state salary allocation payable during the 1981-82 fiscal year to teacher units funded by the Alabama Special Educational Trust Fund for all elementary/secondary programs (including vocational education).

(b) Sixteen percent of the salaries paid in 1981-82 to teachers employed at Alabama Institute for Deaf and Blind and Department of Youth Services.

(c) Sixteen percent of the salary payable during the 1981-82 fiscal year to all bus drivers, and all other support personnel in the elementary/secondary systems, Alabama Institute for Deaf and Blind and Department of Youth Services.

(d) It is the intent of the legislature that the State Board of Education grant a salary increase to full-time personnel employed at the junior, community, and technical colleges. Provided, however, that the total cost of said salary increase shall not exceed the increase in state appropriations for the 1982-83 fiscal year over and above the state appropriations for the 1981-82 fiscal year for either the junior, community, or technical colleges. It is also provided that the percentage increase shall be the same for all employees at the junior, community, and technical colleges.

Section 3. The salary and cost-of-living increases provided in this Act shall be exclusive of all local increments due.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the substitute offered by Rep. Holley to the bill, H. 480, was lost.

Yeas 29; Nays 65.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Cabaniss, Campbell, Cates, Clark (G), Cosby, Dial, Dixon, Gilmer, Grouby, Harper (T), Hines, McKee, McMillan, Manley, Owens, Parker, Payne, Pegues, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Venable, Ward and Zoghby.

—29

*Nays:*

Reps. Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Minus, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Riddick, Roberts, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Warren, Whatley, Williams, Willis and Wyatt.

—65

## SUBSTITUTE OFFERED

Rep. Sasser offered the following substitute to the pending substitutes to the bill, H. 480:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a 16% increase in the state compensation payable to certain personnel in public education for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a 16% salary increase in the state salary allotment paid to the education personnel enumerated in Section 2 of this act. Such increase is intended to be based exclusively on the base state salary allotment paid to such personnel during fiscal year 1981-82. By this act the legislature directs that the aforesaid 16% increase for fiscal year 1982-83 be paid from funds incorporated in and appropriated by the education appropriations act for the support and maintenance of public education in Alabama for the fiscal year ending September 30, 1983. It is not the intent of this act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the state board of education for disbursement to the local school systems the funds necessary to grant a 16% increase in the amount of the base state salary allotment paid to the below named education personnel; allocation shall be based on the following:

(a) State base salary allotment payable during the 1981-82 fiscal year for teacher units funded from the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors in the Department of Youth Services.

(b) State allotments payable during the 1981-82 fiscal year to full-time lunchroom workers, bus drivers, and all other support personnel in the elementary-secondary systems.

All full-time support personnel shall be authorized a full 16% salary increase to be distributed by the state board of education.

Section 3. (a) It is the intent of the legislature that the State Board of Education grant a salary increase to full-time personnel employed at the junior, community, and technical colleges. Provided, however, that the total cost of said salary increase shall not exceed the increase in state appropriations for the 1982-83 fiscal year over and above the state appropriations for the 1981-82 fiscal year for either the junior, community, or technical colleges. It is also provided that the percentage increase shall be the same for employees at the junior, community, and technical colleges.

(b) It is the intent of the legislature that the total increase in the state appropriations for the 1982-83 fiscal year over and above the state appropriations for the 1981-82 fiscal year to the Alabama Institute for the Deaf and Blind be used to grant salary increases to full-time personnel employed at said institution.

Section 4. All salary increases required herein to be paid from funds incorporated in the appropriations bill shall be conditioned upon full state funding for said increases. In the event revenues to the Alabama Special Educational Trust Fund are not sufficient to finance appropriations made by the act that appropriates money for the support and maintenance of public education for the Fiscal Year ending September 30, 1983 and any other acts that appropriate money from the Alabama Special Educational Trust Fund for the Fiscal Year ending September 30, 1983, the State Superintendent of Education shall certify the percentage of salary increase that shall be granted to the educational personnel enumerated in Section 2 of this act at the beginning of each quarter of the Fiscal Year ending September 30, 1983. Such increase shall not be in excess of that for which state funds are provided by the act that appropriates money for the support and maintenance of public education.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective October 1, 1982.

#### SUBSTITUTE TABLED

On motion of Rep. Holley, the substitute offered by Rep. Sasser to the bill, H. 480 with pending substitutes, was tabled.

Yeas 56; Nays 32.

*Yeas:*

Reps. Adams (C), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley,

Crow, Daniels, Dixon, Drinkard, Edwards, Goodwin, Hammett, Harper (O), Harvey, Higginbotham, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Minus, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Roberts, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—56

*Nays:*

Mr. Speaker, Adams (H), Barton, Bedsole, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cosby, Gafford, Gilmer, Grouby, Hall, Harper (T), Hines, Lewis, McKee, McMillan, Manley, Owens, Parker, Payne, Pegues, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Ward, Williams and Zoghby.

—32

### SUBSTITUTE OFFERED

Rep. Dial offered the following substitute to the bill, H. 480 with pending substitutes:

#### A BILL TO BE ENTITLED AN ACT

To provide an increase in the state compensation payable to certain personnel in public education for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a \$2,100 salary increase in the state salary allotment paid to the education personnel enumerated in Section 2 of this act. Such increase is intended to be based exclusively on the base state salary allotment paid to such personnel during fiscal year 1981-82. By this act the legislature directs that the aforesaid increase for fiscal year 1982-83 be paid from funds incorporated in and appropriated by the education appropriations act for the support and maintenance of public education in Alabama for the fiscal year ending September 30, 1983. It is not the intent of this act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the state board of education for disbursement to the local school systems the funds necessary to grant a 14% increase in the amount of the base state salary allotment paid to the below named education personnel; allocation shall be based on the following:

(a) State base salary allotment payable during the 1981-82 fiscal year for teacher units funded from the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors in the Department of Youth Services.

(b) State allotments payable during the 1981-82 fiscal year to full-time lunchroom workers, bus drivers, and all other support personnel in the elementary-secondary systems.

All full-time support personnel shall be authorized a full 16% salary increase to be distributed by the state board of education.

Section 3. (a) It is the intent of the legislature that the State Board of Education grant a salary increase to full-time personnel employed at the junior, community, and technical colleges. Provided, however, that the total cost of said salary increase shall not exceed the increase in state appropriations for the 1982-83 fiscal year over and above the state appropriations for the 1981-82 fiscal year for either the junior, community, or technical colleges. It is also provided that the percentage increase shall be the same for employees at the junior, community, and technical colleges.

(b) It is the intent of the legislature that the total increase in the state appropriations for the 1982-83 fiscal year over and above the state appropriations for the 1981-82 fiscal year to the Alabama Institute for the Deaf and Blind be used to grant salary increases to full-time personnel employed at said institution.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective October 1, 1982.

#### SUBSTITUTE TABLED

On motion of Rep. Holley, the substitute offered by Rep. Dial to the bill, H. 480 with pending substitutes, was tabled.

Yeas 57; Nays 32.

*Yeas:*

Reps. Adams (C), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Harper (O), Harrison, Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, Minus, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Warren and Wyatt.

—57

*Nays:*

Mr. Speaker, Adams (H), Barton, Bedsole, Cabaniss, Carter, Clark (G), Coburn, Cosby, Dial, Dixon, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (T), Hines, Letson, McKee, McMillan, Manley, Owens, Payne, Riddick, Roberts, Sasser, Shoemaker, Venable, Ward, Williams and Zoghby.

—32

#### SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the bill, H. 480 with pending substitutes:

A BILL  
TO BE ENTITLED  
AN ACT

To provide an increase in the state compensation payable to certain personnel in public education for the fiscal year ending September 30, 1983. To provide an additional 1% increase in the state compensation payable to certain personnel in public education for the fiscal year ending September 30, 1983 conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a 1% salary increase in the state salary allotment paid to the education personnel enumerated in Section 2 of this act. Such increase is intended to be based exclusively on the base state salary allotment paid to such personnel during fiscal year 1981-82. By this act the legislature directs that the aforesaid 15% increase for fiscal year 1982-83 be paid from funds incorporated in and appropriated by the education appropriations act for the support and maintenance of public education in Alabama for the fiscal year ending September 30, 1983. It is not the intent of this act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the State Board of Education for disbursement to the local school systems the funds necessary to grant a 15% increase in the amount of the base state salary allotment paid to the below named education personnel; allocation shall be based on the following:

(a) State base salary allotment payable during the 1981-82 fiscal year for teacher units funded from the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors in the Department of Youth Services.

(b) State allotments payable during the 1981-82 fiscal year to full-time lunchroom workers, bus drivers, and all other support personnel in the elementary-secondary systems. All full-time support personnel shall be authorized a full 15% salary increase to be distributed by the State Board of Education.

(c) Local public school systems that accept any funds from the State Board of Education shall provide a 15% salary increase to full-time lunchroom or cafeteria employees, bus drivers and all other support personnel.

Section 3. (a) It is the intent of the legislature that the State Board of Education grant a salary increase to full-time personnel employed at the junior, community, and technical colleges. Provided, however, that the total cost of said salary increase shall not exceed the increase in the state appropriations for the 1982-83 fiscal year over and above the state appropriations for the 1981-82 fiscal year for either the junior, community, or technical colleges. It is also provided that the percentage increase shall be the same for employees at the junior, community, and technical colleges.

(b) It is the intent of the legislature that the total increase in the state appropriations for the 1982-83 fiscal year over and above the state appropriations for the 1981-82 fiscal year to the Alabama Institute for the Deaf and Blind be used to grant salary increases to full-time personnel employed at said institution.



Section 4. It is the intent of the legislature to provide an additional 1% salary increase for the educational personnel enumerated in Section 2 of this act. Such 1% increase shall be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and approval of the Governor. This increase shall be paid from the conditional appropriation incorporated in and appropriated by the education appropriations act for the support and maintenance of public education in Alabama for the fiscal year ending September 30, 1983. It is not the intent of this act to appropriate additional monies for this purpose. On April 1, 1983, the Governor shall grant a ½% salary increase retroactive to October 1, 1982 for the educational personnel enumerated in Section 2 of this act if the funds necessary to cover such a salary increase are certified by the State Finance Director to be available in the Alabama Special Educational Trust Fund after the absolute appropriations have been paid which are due from the Alabama Special Educational Trust Fund for the first six months of the 1982-83 fiscal year. On September 30, 1983, the Governor shall grant a ½% salary increase retroactive to October 1, 1982, for the educational personnel enumerated in Section 2 of this act if the funds necessary to cover such a salary increase are certified by the State Finance Director to be available in the Alabama Special Educational Trust Fund after the absolute appropriations have been paid from the fund for the fiscal year ending September 30, 1982.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective October 1, 1982.

#### SUBSTITUTE TABLED

On motion of Rep. Holley, the substitute offered by Rep. Venable to the bill, H. 480 with pending substitutes was tabled.

Yeas 52; Nays 37.

*Yeas:*

Reps. Adams (C), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Minus, Moore, Naramore, Olive, Pegues, Rains, Ray, Reed, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Warren and Wyatt.

—52

*Nays:*

Mr. Speaker, Barton, Bedsole, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Cosby, Dixon, Gafford, Gilmer, Grouby, Hall, Harper (T), Higginbotham, Hines, Lewis, McKee, McMillan, Manley, Owens, Payne, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Venable, Williams, Willis and Zoghby.

—37

## SUBSTITUTE ADOPTED

The question was then on the substitute offered by Rep. Holley to the bill, H. 480 with pending substitute and amendment, and the substitute was adopted.

Yeas 66; Nays 28.

*Yeas:*

Reps. Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Minus, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—66

*Nays:*

Mr. Speaker, Barton, Cabaniss, Campbell, Cates, Clark (G), Cosby, Dial, Dixon, Gafford, Gilmer, Grouby, Harper (T), Hines, McKee, McMillan, Manley, Owens, Parker, Payne, Pegues, Sandusky, Sasser, Shoemaker, Smith (M), Venable, Ward and Zoghby.

—28

And the bill:

H. 480. To provide a sixteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1983.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 30.

*Yeas:*

Reps. Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Minus, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Riddick, Roberts, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—65

*Nays:*

Mr. Speaker, Barton, Bedsole, Cabaniss, Campbell, Cates, Clark (G), Cosby, Dial, Dixon, Gafford, Gilmer, Grouby, Hall, Harper (T), McKee, McMillan, Manley, Owens, Parker, Payne, Pegues, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Venable, Ward and Zoghby.

—30

MOTION TO RECONSIDER LOST

Having voted on the prevailing side by which the bill, H. 480 as amended, was passed, Rep. Holley offered the motion to reconsider the vote, and the motion to reconsider was lost.

Yeas 5; Nays 48.

*Yeas:* Reps. Barton, Hines, McMillan, Owens and Sasser.

—5

*Nays:*

Reps. Adams (C), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carter, Cheatwood, Cobb, Cooley, Crow, Drinkard, Escott, Gilmer, Goodwin, Harper (O), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Minus, Moore, Naramore, Olive, Rains, Ray, Reed, Roberts, Shavers, Smith (C), Smith (J), Trammell, Turner, Warren, Whatley and Wyatt.

—48

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Johnson (Roy) to suspend House Rule 21(a) to transmit the bill, H. 153, was lost, lacking a four-fifths vote.

Yeas 59; Nays 33.

*Yeas:*

Reps. Adams (C), Albright, Amari, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Escott, Goodwin, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Minus, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Roberts, Shavers, Smith (C), Smith (J), Starkey, Stout, Trammell, Tucker, Turner, Waggoner, Warren, Whatley, Willis and Wyatt.

—59

*Nays:*

Mr. Speaker, Adams (H), Barton, Bedsole, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cosby, Dial, Dixon, Gafford, Gilmer, Grouby, Hall, Harper (T), Lewis, McKee, McMillan, Manley, Owens, Parker, Payne, Pegues, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Stewart Ward and Zoghby.

—33

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. J. R. 331. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, April 8, 1982, we adjourn to meet again on Tuesday, April 13, 1982.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 331, was adopted.

Also:

By Rep. Manley:

H. R. 332. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, April 8, 1982, we adjourn to meet again on Tuesday, April 13, 1982, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 332, was adopted.

### SPECIAL ORDER RESUMED

And the bill:

H. 538. To amend Section 15-18-72, Code of Alabama 1975, as amended, relating to defendants ordered by the court to make restitution, so as to require payments be transmitted within a specified time.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Horn, Johnson (R. G.), Johnson (Roy), Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—78

### MOTION TO ADJOURN LOST

The motion offered by Rep. Johnson (Roy) that the House adjourn until 1:00 o'clock p.m., Tuesday, April 13, 1982, was lost.

Yeas 18; Nays 56.

*Yeas:*

Reps. Albright, Barton, Bedsole, Buskey, Cheatwood, Cooley, Crow, Escott, Harrison, Harvey, Holley, Horn, Howard, Jackson, Johnson (Roy), Parker, Sandusky and Stout.

—18

*Nays:*

Reps. Adams (C), Adams (H), Amari, Bennett, Biddle, Blake, Bowling, Carothers, Carter, Cates, Clark (W), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Grouby, Hammett, Harper (O), Harper (T),

Higginbotham, Hines, Holmes, Johnson (R. G.), Kennedy, Langford, Lewis, McMillan, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—56

SPECIAL ORDER RESUMED

And the bill:

H. 813. To amend Section 22-19-60 of the Code of Alabama 1975, relating to anatomical gifts by holders of drivers' licenses or nondriver identification cards, so as to require that the specific gift be indicated on the driver's license or nondriver identification card of the donor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Holley, Holmes, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

CO-SPONSOR ADDED

Rep. Carothers was added as co-sponsor to the bill, H. 813.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rains, the rules were suspended in order to take up out of order the bill, H. 421.

Yeas 50; Nays 10.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Blake, Buskey, Carter, Cates, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Hall, Harper (O), Harvey, Higginbotham, Hines, Holley, Johnson (R. G.), Kennedy, Laird, Letson, McMillan, Minus, Moore, Payne, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Warren and Willis.

—50

*Nays:*

Reps. Amari, Barton, Harper (T), Lewis, Pegues, Riddick, Seibels, Smith (J), Smith (M) and Tucker.

—10

And the bill:

H. 421. (With Substitute): To prohibit the performance of abortion on certain unmarried women under the age of nineteen, without parental consent; establishes certain judicial procedures; and prescribes penalties for violations.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To prohibit the performance of abortion of nonmarried minors sixteen years of age and under without parental notification; prescribes the form of such notice and the manner of its delivery; and provides for enforcement of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as and may be cited as "The Adolescent Abortion Act of 1982."

Section 2. For the purpose of this act, the following words and phrases shall have the following meanings, respectively, ascribed to them by this section:

(A) "Abortion" means the interruption of pregnancy by instrument, suction, or intra-amniotic injection of hypertonic solution.

(B) "Abortion practitioner" means an individual person (regardless of whether he is licensed to practice medicine) or any private legal entity by whom such person is employed, which undertakes or authorizes, implied or otherwise, the performance of an abortion. Such term shall not include a woman terminating or attempting to terminate her own pregnancy.

(C) "Medical emergency" means a situation in which, the best medical judgment of an attending physician based on the particular facts of the case before him, the patient is substantially likely to suffer death or grave permanent physical handicap unless an abortion is performed (1) within 24 hours, or (2) prior to the time the notice provided for in Section 3(a)(2) can be delivered.

Section 3. (a) No abortion practitioner may perform an abortion upon a non-married minor who is 16 years of age or under until at least 120 hours after written notice of the pending operation has been delivered to the male who impregnated the nonmarried minor, one of the parents or a legal guardian of the non-married minor, and one of the parents or legal guardian of the male who impregnated the non-married minor female, except in a medical emergency or as hereinafter provided.

(1) The notice prescribed by subsection (a) shall be deemed delivered at the time the abortion practitioner or his designated agent physically conveys to the parent or legal guardian a writing which includes the following information:

- (i) The name of the person on whom the abortion is to be performed,
- (ii) The address where the abortion will be performed, and
- (iii) The time the abortion is expected to be performed.

(2) In lieu of the delivery prescribed by subsection (a)(1), notice may be given by sending, through certified mail, a writing with the information prescribed by subsection (a)(1) to the parent or legal guardian at his or her usual place of abode with return receipt requested. Under this subsection, delivery shall be deemed to have been made at 12 o'clock noon on the second day (on which regular mail delivery takes place) following the day of mailing.

(b) The abortion may be performed on the minor without the prescribed notice (1) where one of the parents or legal guardian of the minor has granted written consent to the abortion.

Section 4. The State Board of Health is charged with enforcement of the provisions of this act. Any abortion practitioner found by a preponderance of the evidence to have violated this act shall be subject to the rules and regulations of the State Board of Health.

Section 5. The provisions of this act are cumulative and supplemental and shall be construed in *pari materia* with law regulating the conduct of physicians or providing for consent to medical treatment; provided that those laws or parts of laws in direct conflict or inconsistent with this act are hereby repealed and suspended to the extent of such conflict or inconsistency.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE OFFERED

Rep. Dixon offered the following substitute to the bill, H. 421 with pending substitute reported by the Standing Committee on Health:

#### A BILL TO BE ENTITLED AN ACT

To prohibit the performance of abortion of non-married minors eighteen years of age and under without parental notification; to prescribe the form of such notice and the manner of its delivery; to provide for enforcement of this act by the state board of health; and to prescribe civil penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as and may be cited as "The Adolescent Abortion Act of 1982."

Section 2. For the purpose of this act, the following words and phrases shall have the following meanings, respectively, ascribed to them by this section:

(A) "Abortion" means the interruption of pregnancy by instrument, suction, or intra-amniotic injection of hypertonic solution, or drug, with the purpose of preventing the development of the fetus as a live human being.

(B) "Abortion practitioner" means an individual person (regardless of whether he is licensed to practice medicine) or any private legal entity by whom such person is employed, which undertakes or authorizes, implied or otherwise, the performance of an abortion. Such term shall not include a woman individually terminating or attempting to individually terminate her own pregnancy.

(C) "Medical emergency" means a situation in which, the best medical judgment of an attending physician based on the particular facts of the case before him, the patient is substantially likely to suffer death or grave permanent physical handicap unless an abortion is performed: (a) within 24 hours, or (b) prior to the time the notice provided for in Section 3(b) can be delivered.

Section 3. (a) No abortion practitioner may perform an abortion upon a non-married minor who is eighteen years of age or under until written notice of the pending operation has been delivered to one of the parents or a legal guardian of the non-married minor.

(b) The notice prescribed by subsection (a) shall be deemed delivered at the time the abortion practitioner, or his designated agent, physically conveys to the parent or legal guardian a writing which includes the following information:

- (i) The name of the person on whom the abortion is to be performed;
- (ii) The address where the abortion will be performed; and
- (iii) The time the abortion is expected to be performed.

(c) In lieu of the delivery prescribed by subsection (b), notice may be given by sending, through certified mail, a writing with the information prescribed by subsection (b) to the usual place of abode of the person entitled to notice, with return receipt requested. Under this subsection, delivery shall be deemed to have been made at 12 o'clock noon on the second day (on which regular mail delivery takes place) following the day of mailing.

(d) The abortion may be performed on the minor without the prescribed notice: (i) where one of the parents or a legal guardian of the minor, after considering only the best interests of the minor, has granted written consent to the abortion; or (ii) where a judge of the district court in the county where the abortion is sought authorizes the abortion. Such judge shall issue said order in the event: the minor is emotionally and psychologically mature enough to make the abortion decision on her own; or in the event the abortion is in the best interests of the minor. The Administrative Office of the Courts shall establish procedures to make judicial consideration of a request for an abortion, as herein prescribed, consistent with constitutional requirements.

Section 4. The state board of health is charged with enforcement of the provisions of this act. Any abortion practitioner found by a preponderance of the evidence to have violated this act shall be subject to the rules and regulations of the state board of health.



Section 5. A violation of the provisions of this act shall be subject to: (a) a civil penalty assessed by the state board of health of not less than \$500 and not more than \$5,000, or (b) an injunction against further such activity by the state board of health of the State of Alabama or the courts.

Section 6. The provisions of this act are cumulative and supplemental and shall be construed in *pari materia* with laws regulating the conduct of physicians or providing for consent to medical treatment; provided that those laws or parts of laws in direct conflict or inconsistent with this act are hereby repealed and to the extent of such conflict or inconsistency.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE TABLED

On motion of Rep. Rains, the substitute offered by Rep. Dixon to the bill, H. 421 with pending substitute, was tabled.

Yeas 49; Nays 21.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Coburn, Cooley, Daniels, Drinkard, Escott, Gilmer, Harper (O), Harrison, Harvey, Hines, Holmes, Horn, Jackson, Johnson (Roy), Langford, Letson, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Rains, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Tucker, Turner, Williams, Willis and Zoghby.

—49

*Nays:*

Reps. Amari, Barton, Cabaniss, Clark (W), Cosby, Crow, Edwards, Gafford, Hall, Hammett, Harper (T), Holley, Johnson (R. G.), McKee, Pegues, Riddick, Stewart, Venable, Warren, Whatley and Wyatt.

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#### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Secretary of State on the date and hour named and that I hold the receipt of the Secretary of State for same.

Delivered to the Secretary of State at 11:35 A.M. on April 8, 1982.

H. 651 (Constitutional Amendment)

Delivered to the Secretary of State at 3:30 P.M. on April 8, 1982.

H. 48 (Constitutional Amendment)

H. J. R. 166 (Constitutional Amendment)

JOHN W. PEMBERTON,  
Clerk.

## ADJOURNMENT

On motion of Rep. Smith (M) and pursuant to the resolution, H. R. 332, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 13, 1982.

Yeas 37; Nays 33.

*Yeas:*

Reps. Adams (C), Albright, Barton, Bowling, Brakefield, Buskey, Cates, Cheatwood, Clark (W), Coburn, Cooley, Crow, Drinkard, Edwards, Escott, Ford, Gilmer, Hall, Hammett, Harrison, Harvey, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Laird, Naramore, Olive, Parker, Riddick, Smith (J), Smith (M), Starkey, Tucker, Turner and Whatley.

—37

*Nays:*

Reps. Adams (H), Amari, Biddle, Blake, Cabaniss, Carter, Cosby, Daniels, Gafford, Grouby, Harper (O), Harper (T), Holley, Johnson (R. G.), Letson, McKee, McMillan, Minus, Moore, Owens, Payne, Pegues, Penry, Roberts, Sandusky, Shoemaker, Smith (C), Stewart, Venable, Waggoner, Warren, Wyatt and Zoghby.

—33

## TWENTY-SEVENTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, April 13, 1982

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Dr. James Cook, Pastor, Butler Chapel AME Zion, Greenville, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser,

Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-sixth legislative day and finds the same to be correct.

JACK BIDDLE, III,  
Chairman.

On motion of Rep. Manley, the rules were suspended and the reading at length of the Journal of the House for the twenty-sixth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-sixth legislative day was approved.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 331. RELATIVE TO ADJOURNMENT OF THE TWO HOUSES UNTIL TUESDAY, APRIL 13.

McDOWELL LEE,  
Secretary.

#### LEAVE OF ABSENCE

At the request of Rep. Moore, leave of absence was granted for Rep. Lewis due to a death in his family.

#### RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 333. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business, April 13, 1982, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. McMillan:

H. 583 p. 163 Disposal authorities, solid waste

By Rep. Pegues:

H. 207 p. 140 A.C.H.E.

By Rep. McCorquodale:

H. 558 p. 116 Fire fighters, license plates

By Rep. Moore:

H. 618 p. 130 Podiatry

By Rep. Lewis:

H. 745 p. 174 Wrestlers

By Rep. Ray:

H. 780 p. 184 Indian Affairs Commission

By Rep. Sandusky:

H. 565 p. 89 A.B.C. Board

By Rep. Payne:

H. 687 p. 183 Peace Officers, retirement

By Rep. Dixon:

H. 249 p. 41 Prepaid dental

By Rep. Biddle:

H. 80 p. 28 Nonresident hunting license

By Rep. Carothers:

H. 107 p. 13 Good Samaritan law, educators

By Rep. Smith (J):

H. 186 p. 9 Board of Pardons and Paroles

By Rep. Zoghby:

H. 551 p. 100 Preservation Foundation

By Rep. Turnham:

H. 600 p. 94 Out of state travel

By Rep. Gafford:

H. 415 p. 81 Supreme Court, attorneys

By Rep. Pegues:

H. 562 p. 118 Purchase of teacher retirement

By Rep. Waggoner:

H. 410 p. 71 Teacher Retirement System

By Rep. Smith (J):

H. 169 p. 5 Mode of execution

By Rep. Cooley:

H. 455 p. 52 Disabled children, divorce

By Rep. Clark (G):

H. 378 p. 38 Hunting without permits

By Rep. Carothers:

H. 206 p. 78 Sales tax, motor vehicles

By Rep. Patton:

H. 119 p. 19 Crimes of burglary and criminal trespass

By Rep. Smith (M):

H. 784 p. 167 Single parent adoption

By Rep. Shoemaker:

H. 599 p. 114 Controlled substances

By Rep. Bennett:

H. 485 p. 114 School funds

By Rep. Higginbotham:

H. 321 p. 145 Minors or persons of unsound mind

By Rep. Waggoner:

H. 790 p. 168 City clerks

By Rep. Sasser:

H. 561 p. 117 Air Transportation

By Rep. Edwards:

H. 63 p. 16 TV franchises

By Rep. Pegues:

H. 338 p. 48 Drinking age

By Rep. Rains:

H. 421 p. 1 Parental consent

By Rep. Hines:

H. 393 p. 42 Psychologists

By Rep. Pegues:

H. 181 p. 110 Certificate of Need

By Rep. Kelley:

H. 624 p. 127 Public libraries

By Rep. Cobb:

H. 726 p. 156 Pen-raised birds

By Rep. Payne:

H. 684 p. 164 State parent locator

By Rep. Payne:

H. 685 p. 167 Reciprocal state, support law

By Rep. Smith (J):

H. 269 p. 34 Attorney General's investigators

By Rep. Payne:

H. 686 p. 166 Support law

By Rep. Langford:

H. 570 p. 172 Official court reporters

By Rep. Waggoner:

H. 305 p. 65 Competitive bid law

By Rep. Patton:

H. 163 p. 7 Lowering juvenile age

By Rep. Dixon:

H. 22 p. 13 Donate blood

By Rep. McMillan:

H. 550 p. 96 Farm winery

By Rep. Daniels:

H. 251 p. 97 Reorganization PSC

By Rep. Drinkard:

H. 680 p. 151 Unemployment Compensation Act

By Rep. Stout:

H. 286 p. 39 Synthetic fuels

By Rep. Payne:

H. 549 p. 126 Leasing of state owned land

By Rep. Starkey:

H. 407 p. 73 Non-game fish license

By Rep. Gafford:

H. 231 p. 22 Annual reports

By Rep. Johnson (R. G.):

H. 365 p. 37 District courts

By Rep. Johnson (R. G.):

H. 366 p. 37 District courts

By Rep. Kelley:

H. 577 p. 127 Discounts of distributors, gasoline

By Rep. Kelley:

H. 691 p. 127 Motor vehicles, length exemptions

By Rep. Dial:

H. 703 p. 120 Sales and use tax

On motion of Rep. Biddle, the resolution, H. R. 333, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor on April 12, 1982, at 8:30 A.M.

H. J. R. 302

H. J. R. 304

H. 170

H. 531

H. 572

H. 573

H. 591

H. 653

H. 669

H. 672

H. 676

H. 678

H. 679

H. 693

H. 694

H. 695

H. 337

H. 545

H. 546

H. 547

H. 617

H. 636  
H. 638  
H. 656  
H. 657  
H. 677  
H. J. R. 10  
H. J. R. 165  
H. J. R. 238  
H. J. R. 241  
H. J. R. 256  
H. J. R. 257  
H. J. R. 266  
H. J. R. 286  
H. J. R. 293  
H. J. R. 294  
H. 161

JOHN W. PEMBERTON,  
Clerk.

#### REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 226. MEMORIALIZING CONGRESS TO REINSTATE THE BURIAL ALLOWANCE AFFORDED CERTAIN VETERANS.

On motion of Rep. Biddle, the resolution, S. J. R. 226, was adopted.

Also:

S. J. R. 227. MEMORIALIZING THE CONGRESSIONAL DELEGATION OF THE STATE OF ALABAMA TO OPPOSE ANY CURTAILMENT OF MEDICAL CARE FOR VETERANS.

On motion of Rep. Biddle, the resolution, S. J. R. 227, was adopted.

#### BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 227. To amend Section 40-9-12, Code of Alabama 1975, which provides exemptions from taxation and licensing for certain charitable, religious and civic organizations, so as to add the Huntsville-Madison County Senior Center, Inc., to the list of exempt organizations.



H. 708. Relating to taxation, to provide an exemption from ad valorem taxes for certain residential building lots in improved subdivisions, or improved parts thereof, when any such lot remains in the possession of the developer thereof; and to direct the commissioner of revenue to implement the administration of this act by appropriate rules and regulations.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 735. (With Amendment): To amend further Section 40-23-5, Code of Alabama 1975, relating to certain organizations exempt from payment of state, county, and municipal sales and use taxes, so as to provide further therefor.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 612. To amend section 15-9-62 of the Code of Alabama 1975 relating to the payment of expenses of returning accused criminals to Alabama so as to increase the transportation allowance from 10 cents per mile to 25 cents per mile.

H. 764. To amend further section 40-23-4 of the Code of Alabama 1975, relating to exemptions from the state sales and use tax, so as to exempt the gross receipts of sales of hay baling ties.

H. 803. Relating to municipal educational building authorities; amending Section 16-17-1 of the Code of Alabama 1975 so as to authorize any municipal educational building authority incorporated under the provisions of Chapter 17 of Title 16 of the Code of Alabama 1975, as amended, to sell and issue its bonds for, and to establish, develop, acquire, purchase, lease, construct, reconstruct, improve, maintain, operate, sell, transfer and convey certain facilities which serve to provide education, care and treatment to certain emotionally or mentally disturbed, ill or retarded children and adolescents, and certain other children and adolescents; empowering such authorities (including those organized under predecessor legislation) to grant options to acquire ancillary facilities leased by such authorities to other persons and to use bonds proceeds to establish debt service reserve or other similar funds in connection with the issuance of such bonds; and further amending Sections 16-17-16 and 16-17-19 of the Code of Alabama 1975, as amended, so as to provide further for distribution of the earnings of any such authority and the disposition of its properties upon the dissolution of such authority, and to provide for the continuing validity of certain resolutions adopted or actions taken pursuant to either said Section 16-17-16 or said Section 16-17-19, as heretofore amended.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 824. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 367. Relating to Etowah County; to provide that the County Board of Education shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of Etowah County, at any time in the future, vote to prohibit legal sale of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law.

H. 799. Relating to local sales and use taxes in Lee County, Alabama, and amending Act No. 81-553 enacted at the 1981 Regular Session of the Legislature of Alabama so as to provide further for the levy and collection of the special county privilege, license and excise taxes authorized by said Act No. 81-553 to be levied and collected by Lee County, Alabama, for the administration of said Act No. 81-553, and for the use of the proceeds from said taxes; authorizing the governing body of Lee County, Alabama, to levy and collect special county privilege, license and excise taxes generally paralleling the state sales and use taxes levied by Act No. 81-665 enacted at the 1981 Regular Session of the Legislature of Alabama on sales of automobiles and other vehicles other than at wholesale by persons other than licensed dealers; providing for the collection of such taxes and the use of the proceeds therefrom; and repealing Act No. 81-918 enacted at the 1981 First Special Session of the Legislature of Alabama.

H. 820. Relating to Franklin County; providing further for the compensation of the probate judge and providing for an effective date.

H. 821. To propose an amendment to the Constitution of Alabama of 1901 relating to court costs and the compensation of the judge of probate of Franklin County.

The above bill was read a second time at length as required by the Constitution.

S. 504. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 508. To supplement the salary of a supernumerary Circuit District Attorney of the Tenth Judicial Circuit of Alabama.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 822. Relating to Class 2 municipalities; providing for a retirement pension for certain elected public officials in such municipalities, the eligibility requirements for such pension and the amount, method; providing for payments from the general fund of such municipalities; and specifically repealing Act No. 432, S. 531 of the 1971 Regular Session (Acts 1971, p. 1159) and Act No. 682, H. 937, Regular Session 1967 (Acts 1967, p. 1508), which acts provide for a retirement pension for certain elected public officials of certain cities classified on a population basis.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 331. Relative to Legislative Meeting dates from Thursday, April 8, 1982, to Tuesday, April 13, 1982.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Hall, Riddick and Albright:

H. R. 334. MOURNING THE DEATH OF MR. CLINT MILLS OF BROWNSBORO, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Edwards:

H. J. R. 335. BE IT RESOLVED BY THE HOUSE, THE SENATE OF ALABAMA CONCURRING:

1. Whereas under the provisions of Act No. 81-449 an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee met after the adjournment of the 1981 Session and prior to the 1982 Session and has submitted its report to the Legislature.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework, election procedures, forms of government procedures, and the impact of growth and urbanization on Alabama cities and towns and,

Whereas, the current Legislature has adopted several bills recommended by the Committee and will no doubt adopt several additional pieces of legislation which the Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee, and

NOW THEREFORE, BE IT RESOLVED, that in order to further suggest to the State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby continued and reorganized an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed by eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to continue to analyse the present status of municipal government in Alabama and to make recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and requirements of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make studies of, but shall not limit its consideration, to the following items:

1. An assessment and study of the effect of New Federalism and the problems created by its impact on the municipalities of Alabama; a study as to how the municipalities may continue furnishing services because of the serious reduction in federal assistance for municipal programs; a study of the block grant delivery of federal assistance for municipalities through the State and recommendations on such methods of delivery.

2. An assessment of the impact of the decision of the United States Supreme Court in the recent case of Community Communications Company, Inc., v. City of Boulder, Colorado, which decision may lead to Alabama municipalities being mixed up in the complexities of anti-trust litigation and the need for legislative action to relieve municipalities from any possible anti-trust liability.

3. An assessment of the duplication of functions performed by the State, counties and municipalities, and particularly in the areas of traffic safety, streets and highways, drainage, rights-of-way maintenance, solid waste disposal, law enforcement and fire protection; and a suggestion as to legislation to eliminate such duplications.

4. A review, with recommendations, as to how to improve annexation procedures, control of urban sprawl, and recommended solutions for hazardous waste disposal and energy conservation.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for presentation of a preliminary report during the first week of the 1983 Regular Session of the Alabama Legislature and a final report to be submitted during the 1983 Regular Session of the Alabama Legislature, and that as far as practical that all meetings of the Committee shall be held in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby

empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the Committee's Chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars. The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex-officio members of the Committee and shall receive compensation at the rate paid out members for each day that they sit with the Committee in its work on the subjects and problems listed in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

On motion of Rep. Edwards, the rules were suspended and the resolution, H. J. R. 335, was adopted.

#### NOTICE IN WRITING

Rep. Johnson (Roy) filed the following Notice in Writing:

#### NOTICE IN WRITING TO REVOKE HOUSE RULE 21A FOR THE REMAINDER OF THE 1982 REGULAR SESSION.

Notice is hereby given in accordance with the House Rule 6, that on or after the next legislative day a motion will be made to revoke the operation of House Rule 21A as it applies to H. B. 153 only for the remainder of the 1982 Regular Legislative Session.

#### NOTICE IN WRITING

Rep. Holley filed the following Notice in Writing:

#### NOTICE IN WRITING TO REVOKE HOUSE RULE 21A FOR THE REMAINDER OF THE 1982 REGULAR SESSION.

Notice is hereby given in accordance with the House Rule 6, that on or after the next legislative day a motion will be made to revoke the operation of House Rule 21A as it applies to H. B. 153 only for the remainder of the 1982 Regular Legislative Session.

#### RESOLUTIONS

The following resolutions were introduced:

By Reps. Carter, Roberts, Patton and Smith (J):

H. J. R. 336. COMMENDING DR. JAMES R. CHASTEEN, RECIPIENT OF "OUTSTANDING ADMINISTRATOR" AWARD.

WHEREAS, the Alabama Legislature is pleased to learn that Dr. James R. Chasteen, President of Athens State College and Calhoun Community

College, received from the Alabama major administrators associations, on April 6, 1982, the "Outstanding Administrator of the Year" Award for his outstanding management and administrative acumen; and

WHEREAS, Dr. James R. Chasteen, a native of Birmingham, Alabama, received his B. A., M. A. and Ed. S. Degrees from institutions of higher learning in Alabama and in 1975 he earned his doctoral degree from the University of Alabama, and completed post-doctoral work in 1979 at the Harvard Graduate School of Business; and

WHEREAS, Dr. Chasteen has demonstrated his exceptional management and administrative skills at the University of Alabama and the University of Montevallo, and in 1976 assumed the position of President of the John C. Calhoun State Community College, Decatur, Alabama, where he has demonstrated his many talents and leadership abilities, thus simultaneously managing two complex institutions; and

WHEREAS, the "Outstanding Administrator of the Year" Award was first initiated in 1981 by the Alabama Association of Colleges and Universities; Alabama Association of Women Deans and Counselors; Alabama Alpha Chapter, America Association of University Administrators; and Association of Alabama College Administrators to award worthy individuals who have pioneered in resolving complex educational administrative challenges of extraordinary nature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the outstanding example of leadership and administrative acumen and his selection as "Outstanding Administrator of the Year."

RESOLVED FURTHER, That we do send a copy of this resolution to Dr. James R. Chasteen as a token of our esteem.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 336, was adopted.

Also:

By Rep. Bedsole:

H. J. R. 337. INCREASING THE NUMBER OF BOARD MEMBERS OF THE ALABAMA SCHOOL OF FINE ARTS FROM ELEVEN TO FIFTEEN.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the number of Board members presently governing the Alabama School of Fine Arts, created by Act No. 1203, H. J. R. 145, Regular Session, 1971 (Acts 1971, p. 2089) shall be increased from eleven to fifteen.

BE IT FURTHER RESOLVED That the additional four members shall be from the general public and appointed by the State Superintendent with the consent of the State Board of Education.

On motion of Rep. Bedsole, the rules were suspended and the resolution, H. J. R. 337, was adopted.

Also:

By Rep. Whatley:

H. R. 338. DECLARING THE WEEK OF MAY 30-JUNE 5, 1982 "ALABAMA POULTRY WEEK"

WHEREAS, the poultry industry in Alabama is the largest farm industry in the state, totalling more than \$700 million annually and accounting for over 30% of the total agriculture income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and sixth in the production of eggs; and

WHEREAS, Cliff Clegg, Jr. of Heflin, Alabama has served as Chairman of the Board of the Alabama Poultry and Egg Association with dedication, honor and utmost ethical standards; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the week of May 30-June 5, 1982 is hereby declared "Alabama Poultry Week".

On motion of Rep. Whatley, the rules were suspended and the resolution, H. R. 338, was adopted.

Also:

By Rep. Turner:

H. R. 339. URGING THE GOVERNOR TO REMAIN IN TOWN DURING LEGISLATIVE SESSIONS.

WHEREAS, there are widespread rumors that the Governor plans to call special legislative sessions at the taxpayers expense; and

WHEREAS, in the past, the Governor has called special legislative sessions and has failed to remain in the capitol to make decisions regarding vital legislation; and

WHEREAS, as a result of his absence certain legislators were reapportioned out of their districts because he was not present in his office to add executive amendments; thus costing certain legislators thousands of dollars to relocate in their districts; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the Governor is urged by this body to remain in town and at his office for the duration of any special legislative session; and if the Governor is re-elected to remain at the capitol during future regular and special legislative sessions to deal with the taxpayer's business.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the Governor.

#### MOTION TO SUSPEND RULES AND ADOPT

Rep. Turner offered the motion to suspend the rules and adopt the resolution, H. R. 339.

#### DIVISION OF THE QUESTION

Rep. Holmes called for the Division of the Question and the call was sustained.

#### MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Turner to suspend the rules in order to take up for immediate consideration the resolution, H. R. 339, and the motion was lost.

Yeas 4; Nays 37.

*Yeas:* Reps. Cheatwood, Howard, Rains and Turner.

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*Nays:*

Reps. Albright, Amari, Barton, Bennett, Blake, Boles, Cabaniss, Clark (G), Dial, Edwards, Escott, Gilmer, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Laird, Langford, McMillan, Minus, Moore, Payne, Pegues, Ray, Reed, Riddick, Seibels, Smith (C), Stewart, Waggoner, Warren and Wyatt.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 339, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 340. COMMENDING DR. M. DIANE ROBERTS OF HUNTSVILLE FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Smith (J):

H. R. 341. COMMENDING MR. JOE M. BERRY FOR OUTSTANDING SERVICE TO THE BAR AND TO HIS COMMUNITY.

Also:

By Rep. Smith (J):

H. R. 342. COMMENDING DR. THOMAS J. WILLIAMS FOR HIS SERVICE TO THE UNIVERSITY OF ALABAMA, HUNTSVILLE CAMPUS.

Also:

By Rep. Smith (J):

H. R. 343. COMMENDING MR. PATRICK W. RICHARDSON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Blake:

H. R. 344. COMMENDING MR. W. R. "BILL" CARLETON, SAINT CLAIR COUNTY'S OUTSTANDING CONSERVATION FARMER FOR 1981.



MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Martin:

S. 236. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

Also:

By Messrs. White and Callahan:

S. 418. To regulate the practice of Interior Design; to provide for the registration of qualified persons as professional Interior Designers; to create the Alabama State Board of Registration for Interior Designers; to provide for the appointment of its members; to fix the term of the members of the Board and to define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish the Interior Designer Fund; and to provide for the enforcement of this Act.

Also:

By Mr. Pearson:

S. 315. To create the Office of Air Transportation (hereinafter referred to as the Office); to centralize the maintenance, management, storage, usage, fueling, and operations of state owned aircraft; to designate the Act as the "Office of Air Transportation Act of 1982"; to provide a statement of legislative intent; to provide definitions; to provide for a director of the Office; to provide for other personnel for the Office; to provide for the transfer of property and funds from various state agencies and departments which presently maintain and operate state aircraft and to provide for certain exceptions from the provisions of this Act; to authorize the Office to establish a state program of state aircraft operations and to set reasonable charges for the use and maintenance of state aircraft by other state agencies and departments; to provide for duties, powers and functions of the Office; to legislate appropriate funds; to create a revolving fund in the state treasury for the operations of the Office and to authorize the director to make deposits and expenditures from time to time as are necessary for the Office's operations; and to require annual reporting by the director of the Office's operations to the Governor and to the Legislature.

Also:

By Mr. Pearson:

S. 485. To make an additional appropriation for salaries and other expenses for the use of the Legislature.

Also:

By Messrs. Mitchem, Holmes, Callahan, Teague, Goodwin, Martin, Little and Smith:

S. 477. To make an appropriation for the fiscal year ending September 30, 1983 in the amount of Six million five hundred thousand dollars (\$6,500,000) from the monies initially transferred into The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of

1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses incurred prior to September 30, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Also:

By Mr. Kirkland:

S. 195. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institute for Deaf and Blind, who are not otherwise covered by the state merit system, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; and to provide for judicial review of the decisions of the employing board.

Also:

By Messrs. Teague and deGraffenried:

S. 300. To authorize the Alabama Supreme Court to hire six staff attorneys and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 236. Ways and Means.
- S. 418. State Administration.
- S. 315. State Administration.
- S. 485. Ways and Means.
- S. 477. Ways and Means.
- S. 195. Education.
- S. 300. Ways and Means.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Harrison:

S. 416. To provide further for the annual salary of the governor, the secretary of state, the commissioner of agriculture and industries and the state auditor; and to provide for such sums to commence with the next term of office.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 416. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. St. John (By Request):

S. 293. To provide a sixteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1983.

By Messrs. Barron, Robertson, Harrison, Proctor and Parsons:

S. 108. To provide salary increases for certain state employees and to appropriate funds therefor.

Also:

By Mr. Vacca:

S. 211. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Also:

By Mr. Callahan:

S. 422. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of certain probate judges so as to provide further for the minimum compensation for such officials.

Also:

By Messrs. Harrison, Barron, Taylor and Teague (B):

S. 295. To create an additional judgeship for the fifteenth judicial circuit in Alabama; to provide for the appointment of such judge and to designate that such additional judge shall serve as a judge of the family relations division of the circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, as amended, so as to provide for such judge.

Also:

By Mr. Holmes:

S. 386. To exempt from the payment of any and all state, county and municipal ad valorem taxes, the Board of Trustees of the Susie Parker Stringfellow Memorial Hospital established and created under the Last Will and Testament of Susie P. Stringfellow, deceased, and Stringfellow Memorial Hospital Non-Profit Realty Company, a non-profit corporation, and all real and personal property of said Board of Trustees or said nonprofit corporation, to provide that any and all such ad valorem taxes which were, are or may be collected as the result of any assessment against said Board of Trustees or said nonprofit corporation, or any real or personal property of said Board of Trustees or said nonprofit corporation, shall be remitted to the entity which paid them and to provide that no action or proceeding for the collection or enforcement of any such ad valorem tax may be instituted against said Board of Trustees or said nonprofit corporation subsequent to its effective date.

Also:

By Mr. Vacca:

S. 66. To remove the requirement of driver education for graduation; to require local school systems to provide the opportunity for driver education; to provide for the protection of driver education teachers currently employed and provide requirements for optional driver education courses.

Also:

By Messrs. Goodwin, Little, Taylor and White:

S. 344. To amend Section 32-6-7, Code of Alabama 1975, relating to persons ineligible for the issuance of driver's license for motor vehicles, so as to provide further therefor.

Also:

By Mr. Proctor:

S. 339. To amend Section 20-2-53, Code of Alabama, 1975, to provide for an appeal of any action of a certifying board denying, suspending or revoking a registration or refusing the renewals of a registration whether or not such suspension, revocation, or registration is limited; to specify the procedure for taking such an appeal including the time within which a petition for review must be filed; to provide that the venue for an appeal shall be in the Circuit Court of Montgomery County; to provide that the Circuit Court is specifically authorized to exercise its own discretion as to questions of fact as well as law; to provide that the effect of a certifying board's order shall be stayed pending the Circuit Court's determination of the case; to provide for an appeal from the judgment of the Circuit Court; to provide that a decision of the Circuit Court shall not be stayed or held in abeyance pending further appeal; and to provide that provisions of this act shall take precedence over the provisions of the Alabama Administrative Procedure Act.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 293. Ways and Means.
- S. 108. Ways and Means.
- S. 211. Banking.
- S. 422. Judiciary.
- S. 295. Ways and Means.
- S. 386. Ways and Means.
- S. 66. Education.
- S. 344. Highway Safety.
- S. 339. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. White:

S. 110. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bill, S. 110, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. White:

S. 387. To provide for a minimum salary for county commissioners and chairmen of county commissions.

Also:

By Mr. White:

S. 254. To establish the "Alabama Dental Services Corporation Act"; to authorize the organization and operation of dental services corporations and to provide exceptions; to prescribe public regulation of such corporations; to prescribe certain bond and security deposits, working capital, contract and certificate forms; to prescribe procedures for subscription rates, requirements of charters, articles of incorporation and bylaws and amendments thereto; to require certain operational and financial reports; to make certain

insurance and criminal laws applicable to such corporations, including: Title 27, Chapters 1, 2, 4, 6, 8, 12 and 32, Title 13-A, Chapter 8, of the Code of Alabama 1975; to provide for requirements and eligibility of applicants and contracting sales agents, reporting and accounting of funds received, business and fiscal accountability and disclosures; to provide certain grounds and procedures for compulsory and discretionary revocation, suspension or refusal for registration for such agents; to authorize the assessment and collection of administrative fines in certain instances; to grant the commissioner of insurance and department of insurance certain powers, duties and responsibilities with respect to the supervision and regulation of such dental services corporations; to authorize the commissioner to formulate, issue and implement reasonable rules and regulations to carry out the provisions of the Act; to prescribe a time frame for certain actions to be made by the commissioner and department; to establish licensing requirements, fee requirements and the payment and disposition of such fees; to prescribe the mode of reviewing and mediating complaints; to authorize the department of insurance to make certain audits and examinations of such corporations; to prohibit any nonlicensed or unauthorized persons, or persons who are not in compliance with the provisions of this Act, from using the phrase or functioning in dental services plans or otherwise hold themselves out as so authorized; to provide for such corporations existing prior to the passage of the provisions of this Act; to prescribe the criminal penalties and punishment for violations of the provisions of this Act; and to provide an effective date.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 387. Judiciary.

S. 254. Health.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Martin:

S. 29. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Also:

By Mr. Mitchem:

S. 44. To provide that all teachers, administrative supervisory personnel, full time support employees, and adult school bus drivers at the Kate Duncan Smith High School in Grant, Alabama, shall, if they desire coverage, receive the hospital medical insurance supplement provided by the state for other such employees in the public schools of Alabama.

Also:

By Mr. Kirkland:

S. 192. To provide further for the rights of sportsmen on state wildlife management areas; to further regulate the taking, capturing, trapping or killing of raccoon and fox; to prescribe that the taking, trapping, capturing or killing of raccoon and fox for commercial purposes shall be a misdemeanor crime; to prescribe penalties upon conviction therefor; and to provide that the provisions of this act shall be construed in pari materia with other such laws.

Also:

By Mr. Goodwin:

S. 405. Exempting from the state competitive bid laws purchases and contracts for services made by any state department or agency whose principal business is honorariums and whose annual appropriation from the Legislature is less than seventy-five thousand dollars (\$75,000).

Also:

By Mr. Britnell:

S. 274. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the State Employees' Health Insurance Plan so as to extend eligibility for coverage to persons who are employed on a part-time bases by the State of Alabama and to provide for the payment of a pro rata portion of the premium costs by such employees.

Also:

By Mr. Hilliard (With Notice and Proof):

S. 487. Relating to any Class 1 or Class 2 municipality, as defined by Section 11-40-12 of the Code of Alabama 1975, as amended; authorizing any such municipality to create a municipal dormitory building and renovation authority; authorizing the Authority to acquire, construct and equip self-liquidating projects consisting of buildings for dormitories and renovation of existing buildings for dormitories for any public institution of higher education; conferring powers and imposing duties on the Authority; providing for the appointment of members of the Authority; authorizing the issuance of revenue bonds of the Authority payable from the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; authorizing the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; providing that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of the Authority created by this Act; making such revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from

taxation of every kind by the State and by political subdivisions of the State; and fixing the venue for jurisdiction of actions relating to any provisions of this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 487, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 29. State Administration.
- S. 44. Ways and Means.
- S. 192. Natural Resources.
- S. 405. State Administration.
- S. 274. Ways and Means.
- S. 487. Local Legislation No. 2.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Parsons and Smith:

S. J. R. 238. URGING THE LAW ENFORCEMENT AGENCIES OF ALABAMA TO MORE STRICTLY ENFORCE THE LAWS RELATING TO THE SECURING OF TRUCK LOADS.

WHEREAS, the Legislature of Alabama hereby urges and implores the Department of Public Safety to more rigidly enforce all the laws relating to the securing of truck loads; and

WHEREAS, specifically, Section 32-5-76(b) of the Code of Alabama 1975, requires "No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom"; and

WHEREAS, the law enforcement agencies of this state have an affirmative duty to enforce all the laws relating to motor vehicle carriers and the Rules of the Road; and

WHEREAS, as a result of the non-enforcement of the aforementioned law, there is a great loss to the people of Alabama from the breakage of windshields and other property damage.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge and demand that the law enforcement agencies of Alabama enforce the laws relating to trucks and the manner in which their loads are secured.



BE IT FURTHER RESOLVED, That a copy of this resolution be sent to all law enforcement agency in the State of Alabama, that they may know of our true feelings.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 238, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Little:

S. J. R. 235. URGING THE DEPARTMENT OF PUBLIC SAFETY TO MORE STRICTLY ENFORCE THE LAWS RELATING TO THE SECURING OF TRUCK LOADS.

WHEREAS, the Legislature of Alabama hereby urges and implores the Department of Public Safety to more rigidly enforce all the laws relating to the securing of truck loads; and

WHEREAS, specifically, Section 32-5-75 of the Code of Alabama 1975, requires persons hauling logs and lumber to fasten loads with "steel cables or chains of sufficient size to prevent the load from shifting or dropping onto the highway"; and

WHEREAS, the Department of Public Safety has an affirmative duty to enforce all the laws relating to motor vehicle carriers and the Rules of the Road; and

WHEREAS, as a result of a load of logs falling upon his car, Mr. Robert Bryant Strong of Auburn tragically lost his life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge and demand that the Department of Public Safety more strictly enforce the laws relating to trucks and the manner in which their loads are secured.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Director of the Department of Public Safety, Colonel Jerry Shoemaker, and to each sheriff in the state, so that they may know of our true feelings.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 235, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Johnson (Roy) to suspend the rules in order to take up out of order the bill, S. 221, was lost, lacking a four-fifths vote.

Yeas 36; Nays 16.

*Yeas:*

Reps. Albright, Amari, Barton, Bennett, Blake, Boles, Campbell, Cheatwood, Clark (G), Cooley, Crow, Daniels, Escott, Ford, Goodwin, Hall, Harper (O), Harvey, Higginbotham, Holley, Horn, Howard, Johnson (Roy), Langford, Mitchell, Moore, Owens, Reed, Shavers, Smith (C), Starkey, Stout, Trammell, Waggoner, Wyatt and Zoghby.

—36

*Nays:*

Mr. Speaker, Adams (H), Cates, Cosby, Dial, Drinkard, McMillan, Manley, Parker, Payne, Pegues, Rains, Seibels, Shoemaker, Stewart and Turnham.

—16

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Reed to suspend the rules in order to take up out of order the bill, H. 320, was lost.

#### RESOLUTION

The following resolution was introduced:

By Rep. McKee:

H. J. R. 345. URGING THE EXPEDITIOUS IMPLEMENTATION OF THE 1980-81 PAY AND CLASSIFICATION FOR STATE EMPLOYEES WITH CERTAIN RECOMMENDATIONS.

WHEREAS, pursuant to Act No. 81-1182, H. 34, 1981 Third Special Session, a joint interim committee has met and held public hearings concerning the proposed state employees classification and pay plan; and

WHEREAS, the committee has made the following recommendations concerning the aforementioned pay and classification study; and

1) That the Legislature has been made aware of the fact that various personnel have been employed outside the State Merit System to perform duties that are within the purview of the Merit System and we hereby urge all state departments to hire within the Merit System.

2) That future interim legislative committees will find that the aforementioned problem has been addressed and eradicated.

3) That it is our understanding through this resolution that there shall be a continuing and ongoing investigation of all classifications under the plan and said classifications shall be subject to constant review.

4) That many clerical employees feel their promotional opportunities are limited and we urge that this area be studied and a solution offered.

5) That the plan be modified as to the employees of Legislative Reference Service so as to comply with Section 29-7-5, Code of Alabama 1975.

6) That regardless of who sits in the Governor's Office or in the Legislature, the State personnel board must remain outside the sphere of politics and we hereby charge the board to make adequate compensation for all state employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby approve of and urge the implementation of the Pay and Classification Study for state employees with the above recommendations.

BE IT FURTHER RESOLVED, That the implementation date of the plan be at the next pay period following the passage of this resolution and its signing by the Governor.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 345, was adopted.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Tucker to suspend the rules in order to take up out of order the bill, H. 340, was lost, lacking a four-fifths vote.

Yeas 9; Nays 4.

*Yeas:*

Reps. Bennett, Cabaniss, Escott, Horn, Howard, Jackson, Naramore, Seibels and Tucker.

—9

*Nays:* Reps. Boles, Cheatwood, Olive and Trammell.

—4

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Johnson (Roy) to suspend House Rule 21(a) to transmit the bill, H. 153, was lost, lacking a four-fifths vote.

Yeas 59; Nays 31.

*Yeas:*

Reps. Adams (C), Albright, Amari, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Goodwin, Hammett, Harper (O), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Minus, Mitchell, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Shavers, Smith (C), Smith (J), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Whatley and Wyatt.

—59

*Nays:*

Mr. Speaker, Barton, Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Dial, Dixon, Gilmer, Grouby, Harper (T), McKee, McMillan, Manley, Owens, Parker, Pegues, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Venable, Ward, Williams and Zoghby.

—31

#### BILLS ON THIRD READING

And the bill:

S. 484. Relating to Escambia County; providing supplemental fee allowances for constables; and providing for additional court costs.

Was read a third time at length and passed.

Yeas 42; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Carter, Cheatwood, Cosby, Crow, Daniels, Dixon, Ford, Gafford, Hall, Hammett, Harper (O), Harvey, Horn, Johnson (R. G.), McMillan, Minus, Moore, Owens, Rains, Ray, Reed, Roberts, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Warren, Willis, Wyatt and Zoghby.

—42

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Escott, the rules were suspended in order to take up out of order the bill, S. 91.

Yeas 11; Nays 2.

*Yeas:*

Reps. Amari, Bennett, Boles, Cabaniss, Horn, Howard, Moore, Seibels, Trammell, Tucker and Waggoner.

—11

*Nays:* Reps. Cheatwood and Olive.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 91. Relating to Class I municipalities, and any municipality having a population of 250,000 or more according to the last or any subsequent

federal decennial census, to authorize the Mayor of any such municipality in this state to employ for and on behalf of said municipality a Chief Administrative Assistant to the Mayor, to provide how the maximum salary of the Chief Administrative Assistant shall be determined by the Mayor, to preserve salary and merit system rights of classified employees appointed to the Mayor's staff, and to provide that such employee shall not be subject to any merit system while serving on the Mayor's staff but shall be a member of any pension system applicable to merit system employees, provided application for such membership be made within thirty (30) days of appointment.

Was read a third time at length and passed.

Yeas 13; Nays 2.

*Yeas:*

Reps. Amari, Bennett, Boles, Cabaniss, Escott, Horn, Howard, Jackson, Moore, Seibels, Trammell, Tucker and Waggoner.

—13

*Nays:* Reps. Cheatwood and Olive.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Boles to suspend the rules in order to take up out of order the bill, S. 359, was lost, lacking a four-fifths vote.

Yeas 8; Nays 3.

*Yeas:*

Reps. Amari, Bennett, Boles, Escott, Howard, Moore, Seibels and Trammell.

—8

*Nays:* Reps. Biddle, Cheatwood and Olive.

—3

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### H. 753 RECONSIDERED

And the bill:

H. 753. To levy additional county sales and use taxes in Pickens County for public school purposes in said county; to provide for the collection, distribution, and use of such taxes; to provide for the enforcement of the Act; to provide for severability; to provide the effective date hereof and for the substitution of the taxes levied hereby; and to prescribe penalties for violation of this Act.

Which was reconsidered and temporarily postponed on the twenty-fifth legislative day, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bennett, Biddle, Cheatwood, Clark (G), Cooley, Cosby, Daniels, Edwards, Hall, Moore, Penry, Roberts, Sasser, Shavers, Stewart, Stout and Williams.

—19

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Boles to suspend the rules in order to take up out of order the bill, S. 359, was lost, lacking a four-fifths vote.

Yeas 7; Nays 4.

*Yeas:*

Reps. Bennett, Boles, Escott, Gafford, Howard, Moore and Trammell.

—7

*Nays:* Reps. Cheatwood, Horn, Seibels and Tucker.

—4

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 583. (With Substitute): To amend sections 11-89A-2 and 11-89A-8 of the Code of Alabama 1975, relating to the organization of disposal authorities by counties and municipalities so as to redefine the term "solid waste" and to prohibit infringements upon private sales of recyclable materials.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 11-89A-8 of the Code of Alabama 1975, relating to the organization of disposal authorities by counties and municipalities so as to prohibit infringements upon private sales of recyclable materials.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-89A-8 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 11-89A-8.

"(a) Every authority shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including (without limiting the generality of the foregoing) the following powers:

"(1) To have succession in its corporate name for the duration of time (which may be in perpetuity, subject to the provisions of section 11-89A-21 specified in its certificate of incorporation;

"(2) To sue and be sued in its own name in civil suits and actions and to defend suit against it;

"(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

"(4) To adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this chapter, for the regulation and conduct of its affairs and business;

"(5) To acquire, whether by gift, purchase, transfer, foreclosure, lease or otherwise, to construct and to expand, improve, operate, maintain, equip and furnish one or more facilities, including all real and personal properties that its board may deem necessary in connection therewith, regardless of whether or not any such facility shall then be in existence and, if in existence, regardless of whether or not any such facility is then owned or leased by any person to which such facility may subsequently be sold or leased by such authority;

"(6) To borrow money and to sell and issue bonds as hereinafter provided for any corporate use or purpose;

"(7) To lease to any person or persons all or any part of any facility or facilities that are or are to be owned by it, to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof, all upon such terms and conditions as its board may deem advisable;

"(8) To contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of any recovered resource facility, and to contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of any recovered resources (including but not limited to the granting of options to purchase any recovered resources to any person), all for such consideration and upon such terms and conditions as its board may deem advisable.

"(9) To enter into a contract or contracts with any person or persons granting to such person or persons the exclusive right to purchase or acquire

from the authority any recovered resources or rights to recovered resources for such period as its board may deem advisable;

"(10) To pledge for payment of any bonds issued or assumed by the authority any revenues from which such bonds are payable as provided in this chapter, and to mortgage or pledge any or all of its facilities and revenues or any part or parts thereof, whether then owned or received or thereafter acquired or received;

"(11) To assume obligations secured by a lien on or secured by and payable out of or secured by a pledge of any facility or facilities or part thereof or the revenues derived from any facility or facilities that may be acquired by the authority;

"(12) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which such authority was organized or to exercise any power expressly granted under this chapter;

"(13) To enter into contracts with, to accept aid, loans and grants from, to cooperate with, and to do any and all things not specifically prohibited by this chapter or other applicable laws of the state that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this chapter;

"(14) To receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this chapter, subject to any lawful condition upon which such aid or contributions may be given or made;

"(15) To appoint, employ and contract with such employees and agents, including but not limited to architects, engineers, attorneys, accountants, financial experts, fiscal agents, and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensations;

"(16) To enter into a management contract or contracts with any municipality, any county, or any person or persons for the management, supervision or operation of all or any part of its facilities as may in the judgment of such authority be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this chapter.

"(17) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers in its board may deem desirable:

"(18) To invest its moneys (including, without limitation, the moneys held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its bonds and proceeds from the sale of any bonds or notes) not required for immediate use in

"a. Any debt securities that are direct, general obligations of the United States of America,

"b. Any debt securities, the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America;

"c. Any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or



any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; and

"d. Any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by an authority;

"(19) To procure or agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof, or from any private insurance company, of the payment of any bonds issued by such authority, and to pay premiums or fees for any such insurance or guarantees; and

"(20) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this chapter.

"(b) Any facility or facilities of an authority organized pursuant to determination by a determining municipality may be located within or without or partially within and partially without the determining municipality, subject to the following conditions:

"(1) No such facility or part thereof shall be located more than 30 miles from the corporate limits of the determining municipality;

"(2) No such facility or part thereof shall be located within the corporate limits of a municipality other than the determining municipality in this state;

"(3) No such facility or part thereof shall be located within the police jurisdiction of another municipality in this state unless the governing body of such municipality has first adopted a resolution consenting to the location of such facility or part thereof in the police jurisdiction of such municipality; and

"(4) No such facility or part thereof shall be located in a county other than that (or those) in which the determining municipality (or part thereof) is situated unless the governing body of such other county has first adopted a resolution consenting to the location of such facility or part thereof in such county.

"(c) Any facility or facilities of an authority organized pursuant to determination by a determining county may be located within or without or partially within and partially without the determining county, subject to the following conditions:

"(1) No part of a facility shall be located more than three miles outside the boundaries of the determining county;

"(2) In no event shall any facility or part thereof be located within the corporate limits of a municipality unless the governing body of such municipality has first adopted a resolution consenting to the location of such facility or part thereof in such municipality; and

"(3) No such project or part thereof shall be located in a county other than the determining county unless the governing body of such other county has first adopted a resolution consenting to the location of a part of such facility in such other county.

"(d) No provision of this chapter shall prevent a person in control of recyclable material from selling, donating or giving away such material or

interfere with the right of any person to collect recyclable material with permission of the person in control of such materials. Such recyclable material shall be separated from other solid waste prior to or subsequent to collection by individuals or private enterprises. Such selling, collecting, donating or separating shall in no way be at the expense or responsibility of the authority."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 41; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Cobb, Cooley, Cosby, Daniels, Edwards, Gilmer, Grimsley, Grouby, Higginbotham, Holmes, Horn, Johnson (R. G.), Kennedy, Moore, Naramore, Olive, Parker, Rains, Reed, Roberts, Sandusky, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Turner, Warren, Williams, Willis and Zoghby.

—41

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 583. To amend Section 11-89A-8 of the Code of Alabama 1975, relating to the organization of disposal authorities by counties and municipalities so as to prohibit infringements upon private sales of recyclable materials.

As amended, was read a third time at length and passed.

Yeas 46; Nays 8.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Biddle, Cabaniss, Carter, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gregg, Grouby, Hammett, Harper (O), Hines, Holmes, Johnson (R. G.), Kennedy, McKee, McMillan, Manley, Moore, Olive, Parker, Penry, Ray, Roberts, Shavers, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Warren, Whatley, Willis, Wyatt and Zoghby.

—46

*Nays:*

Reps. Cheatwood, Hall, Harvey, Holley, Johnson (Roy), Mitchell, Stout and Ward.

—8

RULE SUSPENDED

On motion of Rep. McMillan, Rule 4(4) was suspended to permit the bill, H. 583, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 58; Nays 6.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Cabaniss, Carter, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Holmes, Johnson (R. G.), Kennedy, Langford, McKee, Manley, Moore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Warren, Whatley, Willis, Wyatt and Zoghby.

—58

*Nays:*

Reps. Cheatwood, Harvey, Holley, Howard, Johnson (Roy) and Mitchell.

—6

And the bill, H. 583, was ordered sent forthwith to the Senate without engrossment.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Payne to suspend the rules in order to take up out of order the bill, H. 564, was lost, lacking a four-fifths vote.

Yeas 7; Nays 6.

*Yeas:*

Reps. Bennett, Biddle, Cabaniss, Escott, Gafford, Howard and Stewart.

—7

*Nays:*

Reps. Amari, Boles, Cheatwood, Olive, Owens and Trammell.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 11. To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

Also:

S. 182. To provide authority for the state board of education to appoint a Chancellor to serve as the executive officer of the board to assist the board in carrying out its authority and responsibility to operate and manage the junior colleges and trade schools, and Athens College; provide that the board shall set salary of its chief executive officers; establish the authority of the board and Chancellor regarding the junior colleges and trade schools and the Office of the Chancellor; and provide authority for administrative actions necessary to govern the junior colleges and trade schools.

Also:

S. 170. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Also:

S. 140. To further amend Section 6-5-333 of the Code of Alabama, 1975, as amended, relating to exemption from liability for dentists constituting certain committees, so as to extend such exemption to chiropractors and physicians.

S. 197. To amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement by the state of relocation costs of certain utility companies having a gross income of \$10,000,000 or less for the calendar year preceding the relocation, and provided that the relocation is necessitated by highway construction, so as to provide further for the dollar amounts of the gross income of such utility company owners or operators.

Also:

S. 199. To amend Section 36-22-62 of the Code of Alabama, 1975, to provide for cost of living increases in the compensation of Supernumerary Sheriffs of the several counties within this State.

Also:

S. 205. To amend Section 16-4-5, Code of Alabama, 1975, to require the taking of a school census every ten years and, further, repeals the school census requirement subject to ratification of a constitutional amendment.

Also:

S. 237. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the General Fund and to specifically repeal certain conflicting statutes.

Also:

S. 265. To amend Section 9-11-252, Code of Alabama 1975, relating to the penalties for the violation of sections 9-11-250 (taking deer from public waters) or 9-11-251 (taking deer at night), so as to increase and amend penalties for the violation thereof.

Also:

S. 406. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Also:

S. J. R. 177. COMMENDING LIVINGSTON STATE UNIVERSITY'S BASKETBALL TEAM, GULF SOUTH CONFERENCE TOURNAMENT CHAMPIONS.

Also:

S. J. R. 180. COMMENDING THE UAB BASKETBALL TEAM.

Also:

S. J. R. 190. MEMORIALIZING CONGRESS TO PAY SOCIAL SECURITY BENEFITS EARNED BY STATE PRISONERS INTO THE STATE GENERAL FUND.

Also:

S. J. R. 191. COMMENDING THE HEALTH OCCUPATION EDUCATION CLASS OF THE TROY-PIKE AREA VOCATIONAL CENTER.

Also:

S. J. R. 192. COMMENDING MRS. MARY KIMBRO BUTLER OF ECLECTIC, ALABAMA ON RECENTLY HAVING HER NOVEL "PAPA'S OLD TRUNK" RELEASED BY HER PUBLISHER.

Also:

S. 272. Relating to Jefferson County: An Act fixing supplemental salaries or compensation to be paid certain retired district judges in the 10th Judicial Circuit.

Also:

S. J. R. 228. HONORING MR. JOHN HANNAH FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT, AND AS AN EXEMPLAR OF CHRISTIAN PRINCIPLE.

Also:

S. J. R. 229. MOURNING THE DEATH OF ILAH NATION DEAN OF OPELIKA, ALABAMA.

Also:

S. J. R. 232. COMMENDING AUSTIN HIGH SCHOOL, DECATUR, ALABAMA, ON ITS U. S. HIGH SCHOOL NATIONAL RECORD IN UNITS OF BLOOD COLLECTED 1981-82.

McDOWELL LEE,  
Secretary.

## SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

## SPECIAL ORDER RESUMED

And the bill:

H. 207. (With Substitute): To amend Sections 16-6-1, 16-5-2, 16-5-4, 16-5-8, 16-5-9, and 16-5-10, Code of Alabama 1975, known as the Alabama Commission on Higher Education (ACHE) to further: define certain terms; establish qualifications for commission members; establish requirements for a quorum of the commission at meetings; provide for appointment of executive officer without confirmation of the senate; grant authority to commission to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature; and to amend the commission's powers and duties.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the membership and appointment of the Alabama Higher Education Commission; to define certain terms; to establish qualifications for Commission members; to establish requirements for a quorum of the Commission at meetings; to provide for appointment of an executive officer, and to authorize the Commission to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature; to further provide for the Commission's powers and duties; to provide for effective operation and to specifically repeal Sections 16-5-1 through 16-5-14, Code of Alabama 1975, relating to the Alabama Commission on Higher Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The following terms shall have the meanings respectively prescribed for them in this Act, except when the context otherwise requires:

(1) PUBLIC INSTITUTIONS OF HIGHER EDUCATION. Those public educational institutions in Alabama which have been authorized by the legislature or by the Constitution to provide formal education, including vocational, technical, collegiate, professional or any other form of education, above the secondary school level.

(2) COMMISSION. The Alabama Higher Education Commission created by this statute.

(3) INSTRUCTIONAL PROGRAM. A series of courses at any one location which culminates in a degree, certificate or other formal recognition of academic credit.

(4) UNIT. A school, college, division or institute and includes the establishment of any new branch or campus. The term does not include reasonable extension or alterations of existing curricula or programs which have a direct relationship to existing programs previously approved by the Commission; the Commission may under its rule-making authority, define the character of such reasonable extension and alterations.

(5) STATE FUNDS. For the purpose of this amendment, the term State Funds includes those funds appropriated from the Alabama Special Education Trust Fund to support an instructional, public service or research program.

Section 2. (a) There is hereby created and established an Alabama Higher Education Commission which shall supersede the Alabama Commission on Higher Education (ACHE) which now exists and operates under the provisions of Sections 16-5-1 through 16-5-14, of the Code of Alabama 1975, as amended.

(b) (1) The Commission shall consist of 15 members. Thirteen of these members shall be appointed by the governor, one shall be appointed by the lieutenant governor and one shall be appointed by the speaker of the House of Representatives by and with the advice and consent of the Senate. Two persons shall be appointed from each United States congressional district in Alabama and shall reside or maintain an office or place of business within the congressional district from which he is appointed, and the remaining members shall be appointed from the state at large.

(2) The 15 members shall be citizens of the state and shall be selected, as far as may be practicable, on the basis of their interest in higher education. Appointees shall be selected without regard to political affiliation and appointments shall be of a nature as to aid the work of the Commission and to inspire the highest degree of cooperation and confidence. No member of the Commission shall be on the governing boards, be employed by or directly connected with any institution of higher education in the state, the state department of education or any county or other local board or education. Such formal or direct connection does not preclude a member from being an individually active alumnus or alumna of a public institution of higher education. All members of the Commission shall be deemed members at large charged with the responsibility of serving the best interest of the entire system of higher education in the state. No member shall act as the representative of any particular region or of any particular institution of higher education. New appointments to the Commission shall be made so that the total membership of the Commission is broadly representative of the total population of the state of Alabama. No individual with vested personal, business or professional interests in conflict with the Commission's interests shall be appointed. Candidates for appointment to the Commission shall be reviewed on the bases of a strong commitment to the goals of the Commission in promoting and influencing a high quality of activities in higher education. The candidates for appointment and the members of the Commission shall be without direct or indirect business or economic interest in the actions of the Commission.

(3) The Commission shall serve in an advisory capacity to the legislature and the governor of this state in respect to all matters pertaining to the operation and maintenance, including the allocation of funds for capital improvements, of state supported institutions of higher education.

(d) The initial membership of the Commission and the terms of each initial member shall be as follows:

Section 3. (1) Members of the Commission shall be selected for nine-year terms expiring on August 31 of the respective year. The current twelve members of the Alabama Commission on Higher Education are subject to reconfirmation by the Senate and shall continue to the expiration of their respective terms subsequent to such reconfirmation as members of the Commission created hereby, but shall continue to serve as appointed until such reconfirmation. In the event that the Senate shall fail to reconfirm a current member the governor shall with the advice and consent of the Senate appoint a replacement for the unexpired term. Of the three new appointees one shall be appointed by the governor for a term of three years, one shall be appointed by the lieutenant governor for a term of six years and one by the speaker of the House of Representatives for a term of nine years.

(2) The members of the Commission shall continue to serve after the expiration of their terms until their successors have been appointed. In the event that the number of congressional districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. If the number of congressional districts shall change, the membership will remain 15 with the number of at-large memberships being adjusted, if necessary, so that each congressional district is represented. If the Senate is not in session or is in recess when the term of a member expires, the initial appointing authority shall make a temporary appointment of a succeeding member who shall serve subject to subsequent Senate approval of the appointment.

(3) Vacancies and new appointments on the Commission shall be filled by appointment of the ex officio officer responsible for the initial appointment. If the Senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent approval of the appointment.

(4) Any person who serves for five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself or herself until the next vacancy occurs after his or her successor is named.

Section 4. (1) The first meeting of the Commission shall be called by the governor who shall preside until a chairman is selected. The Commission shall elect annually from its own members a chairman and such other officers as it may deem desirable and shall adopt rules for its organization in the conduct of its business.

(2) The Commission shall hold regular meetings at such times as are specified in its rules. Special or additional meetings may be held on call of the chairman, or upon a call signed by at least eight members, or upon call of the governor. The Commission is encouraged to meet as often as seems desirable on the campuses of institutions of higher education in the state. The Commission shall meet at least once every three months. A majority of the members of the Commission shall constitute a quorum at all its meetings. An agenda for the meetings in sufficient detail to indicate the terms on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each public institution of higher education at least two weeks prior to the meeting. Any public institution of postsecondary education or the state board of education may place an item for discussion on the agenda of the next Commission meeting by informing the executive officer of the Commission, in writing, of such request at least three weeks prior to the meeting.

Section 5. Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.



Section 6. (1) The Commission is authorized to appoint a highly qualified person as its executive officer who shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the amounts made available for the Commissions' operation.

(2) The executive officer shall, with the consent and approval of the Commission, employ such professional and clerical staff and other assistants, including specialists and consultants upon a full or part-time basis as are necessary to assist the Commission and the executive officer in performing the duties assigned by this statute. The number of employees, their compensation and the other expenditures of the Commission shall be within the limits and in compliance with the appropriation made therefor by the legislature and within budgets that shall be approved from time to time by the Commission.

(3) All full-time employees of the Commission shall be eligible to participate in the state teachers' retirement system.

Section 7. The Commission, in consultation with the agencies and institutions concerned with higher education in this state, shall analyze and evaluate on a continuing basis the present and future needs for instruction, research and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities. The use of advisory groups and consultants, as deemed desirable, may be used to meet these needs in order to provide the highest possible quality of collegiate and university education to all persons in the state able and willing to participate. One such advisory committee shall be the council of presidents, consisting of the president of each public four-year institution of higher education, the state superintendent of education or other officer responsible for the governance of the public two-year institutions and the presidents of three public two-year institutions of higher education, to be selected by the superintendent of education.

Section 8. The Commission shall be responsible for statewide long range planning for postsecondary education in Alabama. Such planning shall be the result of continuous study, analysis and evaluation. Plans will include the establishment of statewide objectives with methods and guidelines for achieving them.

Section 9. (1) The Commission, after affording a full opportunity to the public institutions of higher education to be heard, shall design and establish a state university and college information system to provide comprehensive, meaningful and timely information pertinent to the formulation of decisions and recommendations by the Commission. The information submitted by the public institutions of higher education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the Commission.

(2) The Commission shall be the state coordinating agency for all data collection requirements of the federal government which require state level coordination and relate to postsecondary education. The Commission will make every effort to minimize the reporting burden on the institutions by using the existing reports of the federal government.

(3) The Commission shall establish an advisory committee comprised of, but not limited to, representatives of the public institutions of higher education and the state board of education to assure that the expertise and concerns of the institutions relative to this Act, both individual and collectively, shall be provided to the Commission.

Section 10. (1) The Commission on higher education is authorized to review all programs and units of instruction, research and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institution, and the state legislature its recommendations.

(2) The Commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the governor and the legislature that would strengthen the total program of higher education in the state.

(3) The governing boards of public institutions of higher education in this state and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit or instructional program for academic credit with state funds before submitting plans for the new unit or program to the Commission for its review, evaluation and approval. No state funds shall be expended by any public institution for any new unit or instructional program which has not been approved by the Commission. Any such plan submitted to the Commission, or its staff, however, and not receiving final action by the Commission with 10 months of submission shall be considered approved.

(4) The Commission shall have the authority to terminate existing programs and units of instruction, research and public service supported by State funds. No State funds shall be expended by any public institution on any terminated unit or program after the expiration of one year from the Commission's order of termination unless said termination order is specifically overruled by an act of the legislature prior to the expiration date of one year from the Commission's order of termination.

(5) Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this state from seeking and securing by separate bill the approval of the legislature for any new unit or program of instruction, research or public service denied approval by the Commission, in which case the action of the legislature, when approved by the governor or otherwise upon becoming a law, is final.

(6) Colleges and Universities conducting credit courses and instructional programs on military reservations are exempt from the Commission's regulatory review, approval, and terminating authority for those offerings on the military reservations, and may expend without the approval of the Commission any funds received for the purpose of supporting these programs.

Section 11. (1) The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than 90 days prior to each legislative session, their budget proposals for the operation and capital needs of the institutions under their governance or supervision.

(2) The Commission shall review, evaluate and coordinate budget requests for the public institutions of higher education of this state, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the governor and the legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis

of the Commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the Commission shall be derived directly from its assessment of the actual funding needs of each of the universities, as presented to it by the presidents, which assessment may include, but shall not be limited to, derived conclusions that may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama and between institutions and similar functions located in other states, provided that nothing herein shall be construed to prohibit any institution of higher education in this state from submitting any matter pertaining to the financial operation and needs of said institution to the legislature or to the governor at any time; provided, however, that the recommendation of the Commission shall be developed by reconciling the short and long term financial needs of the subject institutions with the realistic estimates presented by the State Department of Revenue, the State Budget Officer, or other reputable consultant of the short and long term revenue resources anticipated to be available to fund such financial needs of the institutions.

Section 12. The Commission shall exercise the following powers and duties in addition to those otherwise specified by law:

(1) To cause to be made such surveys and evaluations of higher education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

(2) To recommend to the legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest quality of higher education in this state taking into consideration the orderly development and maintenance of the state system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

(3) To advise and counsel the governor and the legislature, upon request, regarding any area of, or matter pertaining to, postsecondary education.

(4) To establish definitions of junior college, a community college, a technical college or institute, a senior college, a university and university system.

(5) To develop and publish criteria which may be used by the legislature as a basis:

a. for changing the classification of any public institution of higher education; and

b. for determining the need for new public junior colleges, public senior colleges, universities or university systems.

Any proposed statute which would establish an additional institution of higher education may be submitted, either prior to introduction, or by the standing legislative committee considering same, to the Commission for its

opinion as to need for the state therefor, and the Commission shall report its findings to the governor and the legislature.

(6) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of said institution. In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the Commission shall do so without regard for race and traditional role of the institution. When making recommendations for the elimination of duplication of educationally unnecessary programs, absent justifiable reasons to the contrary, the Commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

(7) To hear applications from the institutions for change in classification or role and scope and to recommend to the legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

(8) To make continuing studies, on its own initiative or upon the request of the governor or the legislature, of the financial needs of public higher education and issue such reports to the governor and the legislature as may result from its studies.

(9) To submit to the governor and the legislature on or before the first day of January of each year a written report covering the activities of the Commission and the status of higher education in Alabama. The report shall include:

a. statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year;

b. comments upon major developments, trends, new policies, budgets and financial considerations which in the judgment of the Commission will be useful in planning a sound program of higher education; and

c. recommendations respecting postsecondary education in this state as may be appropriate.

(10) To make rules and regulations for its meetings, procedures and execution of the powers and duties delegated to it by this act.

(11) To encourage the establishment and development of formal consortia for the advancement of higher education comprised of institutions of higher education in the state.

(12) To conduct a program of public information in order to inform citizens of the state of matters of importance to higher education in Alabama.

(13) To serve as the state agency for the administration of those titles of the Higher Education Act of 1965 (Public Law 89-329), as amended, for those programs requiring a single state agency for which the Commission qualifies, unless otherwise designated by executive order.

(14) To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the state of Alabama. No institution of postsecondary education located outside of Alabama may offer units or programs of instruction within Alabama without prior approval of the Commission. The Commission under its rule-making authority shall establish criteria for the approval of such institutions and programs.

Section 13. The Commission is designated the agency responsible for those functions under the Southern Regional Compact for Education (Act 227, H. J. R. 42, 1949; Act 40, H. J. R. 21, 1955) and those functions in sections 16-3-32 through 16-3-35 of the Code of Alabama 1975, as amended,

heretofore assigned to the Alabama Commission on Higher Education with funds that may be appropriated to it by the legislature for that purpose.

Section 14. During the last year of each gubernatorial term, the Commission shall appoint a committee of at least three consultants who are not associated with higher education in this state to evaluate the effectiveness of the work of the Commission and to recommend changes as needed. A report prepared by the committee shall be submitted to the Governor, the Legislature, the president's and governing boards of the public institutions of higher education of this State and the public.

Section 15. The Commission is authorized to accept gifts, grants or bequests and expend the same to carry out the provisions of this Act or to promote the purposes for which it has been established.

Section 16. Sections 16-5-1 through 16-5-14, Code of Alabama 1975 as amended, are hereby specifically repealed.

Section 17. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. The provisions of this Act shall become effective upon the adoption of a proposed amendment to the Constitution of Alabama, authorizing the creation of the Alabama Higher Education Commission, enacted during the Regular Session of the Legislature, 1982.

And the substitute was adopted.

Yeas 43; Nays 5.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Cabaniss, Carothers, Cosby, Dial, Dixon, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Holmes, Johnson (R. G.), Kelley, McKee, Minus, Moore, Olive, Pegues, Rains, Ray, Roberts, Sandusky, Shavers, Shoemaker, Smith (J), Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—43

*Nays:* Reps. Bowling, Carter, Cooley, Drinkard and Holley.

—5

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### AMENDMENT OFFERED

Rep. Pegues offered the following amendment No. 1 to the bill, H. 207 as amended:

Amend Substitute for H. B. 207 on page 6, Section 7, line 31, after the word "education." by deleting the period . , and adding the following language:

or other officer responsible for the governance of the public two-year institutions.

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 4.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Carothers, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Gregg, Grouby, Harper (O), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R.G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—71

*Nays:* Reps. Bowling, Carter, Naramore and Trammell.

—4

## AMENDMENT OFFERED

Rep. Pegues offered the following amendment No. 2 to the bill, H. 207 as amended:

Amend the substitute to House Bill 207 on page 2, line 37 by striking the word "thirteen" and inserting in lieu thereof the word "eleven", by striking, on that same line, the word "one" and inserting in lieu thereof the word "two".

Further amend the substitute to House Bill 207 on page 2, line 38 by striking the word "one" and inserting in lieu thereof the word "two".

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 4.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cosby, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Gregg, Grouby, Harper (T), Harvey, Higginbotham, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Olive, Owens, Patton, Payne, Pegues, Rains, Reed, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Turner, Warren, Williams, Willis and Zoghby.

—55

*Nays:* Reps. Carter, Cooley, Naramore and Wyatt.

—4

## AMENDMENT OFFERED

Rep. Pegues offered the following amendment No. 3 to the bill, H. 207 as amended:

Amend the substitute to House Bill 207 on page 8 by striking lines 10-17 in their entirety and substituting in lieu thereof the following:

"(4) The Commission shall have the authority to terminate existing programs and units of instruction, research and public service supported by State funds. Any such termination shall require the affirmative vote of at least eight members of the Commission. No State funds shall be expended by any public institution on any terminated unit or program after the expiration of one year from the Commission's order of termination unless said termination order is specifically overruled by an act of the legislature prior to the expiration date of one year from the Commission's order of termination."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 4.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cosby, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Gregg, Grouby, Harper (T), Harvey, Higginbotham, Holley, Horn, Johnson (R.G.) Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Starkey, Stewart, Stout, Turner, Waggoner, Warren, Williams, Willis and Zoghby.

—60

*Nays:* Reps. Bowling, Cooley, Rains and Wyatt.

—4

AMENDMENT OFFERED

Rep. Pegues offered the following amendment No. 4 to the bill, H. 207 as amended:

Amend the Substitute to House Bill 207 on page 12, line 38, by inserting after the word "repealed" the following:

"and all laws or parts of laws which conflict with the provisions of this Act are hereby expressly repealed."

H. 207 TEMPORARILY POSTPONED

On motion of Rep. Pegues, the bill, H. 207 as amended and with pending amendment, was temporarily postponed.

And the bill:

H. 558. (With Amendment): Regulating further license plates to be used for motor vehicles; providing for distinctive license plates for vehicles owned by certain fire fighters.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 558 in Section 2, on page 2, by striking lines 6 through 9 in their entirety and inserting in lieu thereof the following:

or tags so issued fire fighters shall be designed by the Standing Committee on Tags.

And the amendment was adopted.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Harper (O), Harvey, Higginbotham, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—77

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Roberts to suspend the rules in order to substitute the bill, S. 341, for the bill, H. 558, was lost.

Yeas 32; Nays 15.

*Yeas:*

Reps. Adams (H), Bennett, Bowling, Clark (G), Cobb, Cooley, Cosby, Daniels, Edwards, Harvey, Howard, Kelley, Kennedy, McMillan, Naramore, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Starkey, Stewart, Stout, Turner, Warren, Wyatt and Zoghby.

—32

*Nays:*

Reps. Barton, Blake, Buskey, Carter, Clark (W), Gilmer, Hammett, Johnson (Roy), Letson, Payne, Sasser, Trammell, Venable, Ward and Whatley.

—15

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 558, as thus amended, was read a third time at length and passed.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Howard, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McKee,



McMillan, Manley, Minus, Moore, Naramore, Nevett, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—83

#### RULE SUSPENDED

On motion of Rep. Biddle, Rule 4(4) was suspended to permit the bill, H. 558, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hines, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—69

And the bill, H. 558, was ordered sent forthwith to the Senate without engrossment.

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 558:

Reps. Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harvey, Higginbotham, Hines, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

And the bill:

H. 618. (With Substitute): To amend portions of Section 34-24-230, Code of Alabama, 1975, by the addition of definitions relating to the human foot; to prescribe limitations to surgical procedures of the human foot.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend portions of Section 34-24-230, Code of Alabama, 1975, by the addition of definitions relating to the human foot; and to prescribe the surgical scope of the practice of podiatry.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-24-230, Code of Alabama, 1975, is amended as follows:

§34-24-230. Definition.

For purposes of this article, the following terms shall have the respective meanings ascribed by this section.

(1) **PODIATRY.** The diagnosis and treatment of disorders of the human foot., as described herein.

(2) **PRACTICE OF PODIATRY.** The diagnosis and medical or surgical of mechanical or manipulative or electrical treatment of any ailment of the human foot. except such definitions does not include the amputation of the foot or the administering of an anesthetic other than local.

(3) **DIAGNOSIS.** The process of ascertaining a disease or ailment by its general symptoms.

(4) **MEDICAL TREATMENT.** The application to or prescription for the foot of pads, adhesives, felt, plaster or any medicinal agency. for both external and internal use in connection with treatment of local ailments of the human foot, except such definition does not include the medical treatment of any systemic disease, but does allow treating the local manifestations of those systemic diseases in the foot.

(5) **SURGICAL TREATMENT.** The use of any cutting instrument to treat a disease, ailment or condition of the phalanges and metatarsels, but not the tarsals, with the exceptions of amputation of the foot or ankle. human foot as defined herein, except that a podiatrist shall not be authorized to amputate the human foot, or perform any surgery on the human body at or above the ankle joint, or administer anesthetics other than local anesthetics.

(6) **MECHANICAL TREATMENT.** The application of any mechanical appliance made of steel, leather, felt or any material to the foot or in the shoe for the purpose of treating any disease, deformity or ailment.

(7) **MANIPULATIVE TREATMENT.** The use of the hand or machinery in the operation or working upon the foot and its articulations.

(8) **ELECTRICAL TREATMENT.** Any treatment by means and methods supplied by electric current.

(9) **HUMAN FOOT.** The terminal appendage of the lower extremity. It contains twenty-six bones and is divided into three parts—the forefoot, the midfoot, and the hindfoot. The forefoot consists of fourteen phalanges and five metatarsals. The midfoot consists of five tarsal bones and their articulations. The hindfoot consists of two tarsal bones, the calcaneus and the talus. The foot is defined as including all twenty-six complete boney structures below the ankle joint, which ankle joint consists of the distal tibia and fibula and their articulations with the talus. The distal aspect of the tibia and fibula, the

achilles tendon, and all structures above the dome of the talus reside within the leg.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become affective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Bowling, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Grimsley, Grouby, Harper (T), Harvey, Higginbotham, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, McKee, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

And the bills:

H. 618. To amend portions of Section 34-24-230, Code of Alabama, 1975, by the addition of definitions relating to the human foot; and to prescribe the surgical scope of the practice of podiatry.

As thus amended, was read a third time at length and passed.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Harvey, Hines, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith(C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—68

## RULE SUSPENDED

On motion of Rep. Moore, Rule 4(4) was suspended to permit the bill, H. 618, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Campell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Harvey, Hines, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams and Wyatt.

—72

And the bill, H. 618, was ordered sent forthwith to the Senate without engrossment.

#### H. 745 TEMPORARILY POSTPONED

On motion of Rep. Drinkard, the bill, H. 745, was temporarily postponed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 408. Relating to Jefferson County; to provide certain health benefits to members of the General Retirement System for Employees of Jefferson County who have retired on a superannuation or disability until said member reaches eligibility for Medicare and/or Medicaid, and to provide for the funding of said benefits.

Also:

H. 580. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Also:

H. 718. To alter or rearrange the boundary lines of the Town of Ashville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Also:

H. 733. To provide for a certain increase in court costs in the Wilcox County division of the Fourth Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Wilcox County.

Also:

H. 734. To propose a constitutional amendment regarding the altering of costs and charges of courts in Wilcox County.

Also:

H. 736. To further provide for the administration of absentee voting in Clay County, except during municipal elections.

Also:

H. 741. Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Lamar County, Alabama.

Also:

H. 742. Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Fayette County, Alabama.

Also:

H. 760. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to change the charges and costs of court in Pickens County and to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges or changes in court costs.

McDOWELL LEE,  
Secretary.

#### S. 487 RE-REFERRED

No objection being offered the Speaker re-referred the bill, S. 487 from the Standing Committee on Local Legislation No. 2 to the Standing Committee on Local Government.

#### H. 780 TEMPORARILY POSTPONED

On motion of Rep. Hines, the bill, H. 780, was temporarily postponed.

#### CO-SPONSOR ADDED

Rep. Rains was added as co-sponsor to the bill, H. 780.

#### SPECIAL ORDER RESUMED

And the bill:

H. 565. To create a fund for the Alabama alcoholic beverage control board to be used for inventory purposes by providing that no taxes collected on alcoholic beverages sold by said board or such funds distributed as net profits by said board shall be distributed for at least 25 days by October 1, 1983, for at least 55 days by September 30, 1984, for at least 85 days by September 30, 1985, for at least 115 days by September 30, 1986, for at least 120 days by September 30, 1987 and thereafter, after the close of the month in which said taxes have been collected or such funds distributed as net profits are realized; to provide that any funds now accumulated as a working capital fund or reserve shall be distributed to the several beneficiaries on the same basis as withheld; to provide that all laws or parts of laws in conflict or inconsistent herewith are repealed; to provide an effective date.

Was read a third time at length and passed.

Yeas 45; Nays 15.

*Yeas:*

Mr. Speaker, Bedsole, Biddle, Blake, Brakefield, Buskey, Campbell, Carter, Cates, Clark (G), Cobb, Coburn, Daniels, Dial, Edwards, Gafford, Goodwin, Harper (O), Harper (T), Higginbotham, Letson, McKee, McMillan, Moore, Naramore, Nevett, Owens, Patton, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Waggoner and Zoghby.

—45

*Nays:*

Reps. Cheatwood, Cooley, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Olive, Payne, Shavers, Smith (C), Stout, Ward, Whatly and Wyatt.

—15

#### MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Sandusky to suspend House Rules 4(4) to permit the bill, H. 565, being other than a local or general bill of local application, to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 48; Nays 13.

*Yeas:*

Mr. Speaker, Bedsole, Biddle, Blake, Brakefield, Buskey, Campbell, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Dixon, Edwards, Gafford, Goodwin, Harper (O), Harper (T), Higginbotham, Letson, McMillan, Moore, Naramore, Nevett, Owens, Patton, Payne, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Williams, Wyatt and Zoghby.

—48

*Nays:*

Reps. Cheatwood, Cooley, Holley, Horn, Johnson (R. G.), Johnson (Roy), Manley, Olive, Seibels, Smith (C), Stout, Ward and Whatley.

—13

And the bill:

H. 687. (With Substitute) (With Amendment): To provide that the retirement income of certain peace officers shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by Sections 16-25-23 and 36-27-28, Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 40-18-19, so as to provide that the retirement pay of certain peace officers shall be exempt from state and local income tax the same as retirement pay of school teachers, state employees and civil service retirees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-18-19, Code of Alabama 1975, as amended, is hereby amended as follows:

"Section 40-18-19.

(a) The following exemptions from income taxation shall be allowed to every individual resident taxpayer:

(1) Retirement allowances, pensions and annuities, or optional allowances, approved by the board of control of the teachers' retirement system of Alabama, which exempt status is set out in section 16-25-23;

(2) Retirement allowances, pensions and annuities or optional allowances, approved by the board of control of the employees' retirement system of Alabama, which exempt status is set out in Section 36-27-28;

(3) Retirement or compensation, retirement allowances, pensions and annuities, or optional allowances, received by any eligible peace officer as defined in Section 36-21-60(10) Code of Alabama 1975, from any police retirement system established in the State of Alabama, but only if such retirement or compensation, retirement allowances, pensions and annuities, or optional allowances are awarded as the result of police services rendered.

(3) (4) Income received as annuities under the United States retirement system from the United States government civil service retirement and disability fund;

(4) (5) Net income realized by individuals and partnerships from time to time in the business of conducting a financial business employing moneyed capital coming into competition with the business of national banks, but only if such individuals and partnerships are subject to an excise tax imposed by this state on or with respect to such income;

(5) (6) In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, but a husband and wife living together shall receive only one exemption of \$3,000.00 against their aggregate income, and in case they make separate returns the personal exemption of \$3,000.00 may be taken by either or divided between them; and

(6) (7) Three hundred dollars for each person, other than husband or wife, dependent upon the taxpayer, and over half of whose support, for the calendar year in which the taxable year for the taxpayer beings, was received from the taxpayer. For the purposes of this section, "dependent" shall mean: a son or daughter of the taxpayer or a descendent of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother or stepsister of the taxpayer; the father or mother of the taxpayer or an ancestor of either; a stepfather or stepmother of the taxpayer; a son or daughter of a brother or

sister of the taxpayer; a brother or sister of the father or mother of the taxpayer; a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law of the taxpayer. As used in this paragraph the terms "brother" and "sister" include a brother or sister by the half blood. For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such a person by blood.

(b) Of the following personal exemptions allowed resident taxpayers, each nonresident individual taxpayer shall be allowed that proportion thereof that the adjusted gross income received by said nonresident individual taxpayer from sources within the state of Alabama bears to his or her adjusted gross income received from sources within and without the state of Alabama: In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, a husband and wife living together shall receive but one personal exemption of \$3,000.00 against their aggregate income; and, in case they make separate returns, the personal exemption of \$3,000.00 may be taken by either or divided between them; and \$300.00 for each person, other than husband or wife, dependent upon and receiving his chief support from the taxpayer."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective for taxable years beginning January 1, 1982 and thereafter following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 58; Nays 1.

*Yeas:*

Mr. Speaker, Amari, Bennett, Biddle, Brakefield, Buskey, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Dixon, Edwards, Gafford, Gilmer, Goodwin, Grouby, Harper (O), Harper (T), Higginbotham, Howard, Jackson, Kelley, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Penry, Rains, Reed, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Williams, Wyatt and Zoghby.

—58

*Nay:* Rep. Kennedy.

—1

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 687, as Substituted, on page 3, line 37, by striking out the words and figures, "January 1, 1982" and inserting in lieu thereof the date:

January 1, 1984



And the amendment was adopted.

Yeas 57; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Bennett, Biddle, Brakefield, Buskey, Campbell, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cooley, Daniels, Dixon, Edwards, Escott, Gafford, Goodwin, Grouby, Harper (O), Harper (T), Higginbotham, Holmes, Howard, Jackson, Kelley, Kennedy, Letson, McKee, McMillan, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Williams, Wyatt and Zoghby.

—57

#### CO-SPONSORS ADDED

Reps. Cooley and Rains were added as co-sponsors to the bill, H. 687.

#### AMENDMENT OFFERED

Rep. Cates offered the following amendment to the bill, H. 687 as amended:

Amend House Bill 687 on page 1, line 9 by striking through the word the and substituting in lieu thereof the word certain.

Further amend on page 1, line 34, subsection (3) by adding immediately after the number (3) the following: The first \$8,000.00 of any

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Biddle, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Crow, Daniels, Dixon, Escott, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Williams, Wyatt and Zoghby.

—74

And the bill:

H. 687. To amend Section 40-18-19, so as to provide that the retirement pay of certain peace officers shall be exempt from state and local income tax the same as retirement pay of school teachers, state employees and civil service retirees.

As thus amended, was read a third time at length and passed.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Goodwin, Harper (O), Harper (T), Higginbotham, Hines, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McKee, McMillan, Manley, Moore, Nevett, Olive, Parker, Patton, Payne, Penry, Rains, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—72

### RULE SUSPENDED

On motion of Rep. Payne, Rule 4(4) was suspended to permit the bill, H. 687, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Harper (O), Harper (T), Higginbotham, Hines, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McMillan, Manley, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

And the bill, H. 687, was ordered sent forthwith to the Senate without engrossment.

And the bill:

H. 249. To establish the "Alabama Dental Services Corporation Act"; to authorize the organization and operation of dental services corporations and to provide exceptions; to prescribe public regulation of such corporations; to prescribe certain bond and security deposits, working capital, contract and certificate forms; to prescribe procedures for subscription rates, requirements of charters, articles of incorporations and bylaws and amendments thereto; to require certain operational and financial reports; to make certain insurance and criminal laws applicable to such corporations, including: Title 27, Chapters 1, 2, 4, 6, 7, 11 and 32, Title 13, Chapter 8, of the Code of Alabama 1975; to provide for requirements and eligibility of applicants and contracting sales agents, reporting and accounting of funds received, business and fiscal accountability and disclosures; to provide certain grounds and procedures for compulsory and discretionary revocation, suspension or refusal for registration for such agents; to authorize the assessment and collection of administrative fines in certain instances; to grant the commissioner of

insurance and department of insurance certain powers, duties and responsibilities with respect to the supervision and regulation of such dental services corporations; to authorize the commissioner to formulate, issue and implement reasonable rules and regulations to carry out the provisions of the Act; to prescribe a time frame for certain actions to be made by the commissioner and department; to establish licensing requirements, fee requirements and the payment and disposition of such fees; to prescribe the mode of reviewing and mediating complaints; to authorize the department of insurance to make certain audits and examinations of such corporations; to prohibit any non-licensed or unauthorized persons, or persons who are not in compliance with the provisions of this Act, from using the phrase or functioning in dental services plans or otherwise hold themselves out as so authorized; to provide for such corporations existing prior to the passage of the provisions of this Act; to prescribe criminal penalties and punishment for violations of the provisions of this Act; and to provide an effective date.

Was taken up.

#### AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 249:

On page one in the synopsis, line 21, delete the figure "7" and insert in lieu thereof the figure 8 and on line 22 following the figure "11" insert the figure 12 and on line 22 delete the words "Title 13, Chapter 8" and insert in lieu thereof the words Title 13-A, Chapter 8.

In the title on page three in line eight, delete the figures "7" and "11" and insert in lieu thereof the figures 8 and 12; also on line eight delete the words and figures "Title 13" and insert in lieu thereof the words and figures, Title 13-A.

In Section 11 (d), page ten, delete lines 24 through 30 in their entirety and insert in lieu thereof the following: (d) The Commissioner shall be responsible for the safe keeping of all securities. Said securities under this section shall be deposited with the State Treasurer. Such securities shall not, on account of being in this state, be subject to taxation, but shall be held exclusively and solely to guarantee the dental service plan corporation's performance of its obligations to its subscribers:

In Section 11, (e), page ten, in lines 37 and 38 delete the words "treasurer of the state" and insert in lieu thereof the word Commissioner.

In Section 11, (e), on page 11 delete lines 5 through 7 in their entirety and insert in lieu thereof the following: parties entitled thereto, or shall release any bond filed with the Commissioner in lieu of such deposit;

In Section 15, (b), (iv), page 14, in line 22 delete the figure "11" and insert in lieu thereof the figure 12.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 2.

Yeas:

Mr. Speaker, Adams (H), Amari, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Coburn, Daniels, Dixon,

Edwards, Ford, Gafford, Goodwin, Harper (O), Harvey, Higginbotham, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—60

*Nays:* Reps. Escott and Howard.

—2

And the bill:

H. 249. To establish the "Alabama Dental Services Corporation Act"; to authorize the organization and operation of dental services corporations and to provide exceptions; to prescribe public regulation of such corporations; to prescribe certain bond and security deposits, working capital, contract and certificate forms; to prescribe procedures for subscription rates, requirements of charters, articles of incorporation and bylaws and amendments thereto; to require certain operational and financial reports; to make certain insurance and criminal laws applicable to such corporations, including: Title 27, Chapters 1, 2, 4, 6, 8, 12 and 32, Title 13-A, Chapter 8, of the Code of Alabama 1975, to provide for requirements and eligibility of applicants and contracting sales agents, reporting and accounting of funds received, business and fiscal accountability and disclosures; to provide certain grounds and procedures for compulsory and discretionary revocation, suspension or refusal for registration for such agents; to authorize the assessment and collection of administrative fines in certain instances; to grant the commissioner of insurance and department of insurance certain powers, duties and responsibilities with respect to the supervision and regulation of such dental services corporations; to authorize the commissioner to formulate, issue and implement reasonable rules and regulations to carry out the provisions of the Act; to prescribe a time frame for certain actions to be made by the commissioner and department; to establish licensing requirements, fee requirements and the payment and disposition of such fees; to prescribe the mode of reviewing and mediating complaints; to authorize the department of insurance to make certain audits and examinations of such corporations; to prohibit any non-licensed or unauthorized persons, or persons who are not in compliance with the provisions of this Act, from using the phrase or functioning in dental services plans or otherwise hold themselves out as so authorized; to provide for such corporations existing prior to the passage of the provisions of this Act; to prescribe criminal penalties and punishment for violations of the provisions of this Act; and to provide an effective date.

As thus amended, was read a third time at length and passed.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts,

Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—85

CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 249.

RULE SUSPENDED

On motion of Rep. Dixon, Rule 4(4) was suspended to permit the bill, H. 249, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—79

And the bill, H. 249, was ordered sent forthwith to the Senate without engrossment.

RULE SUSPENDED

On motion of Rep. Sandusky, Rule 4(4) was suspended to permit the bill, H. 565, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 67; Nays 7.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Daniels, Dial, Dixon, Escott, Ford, Gafford, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Johnson (R. G.), Kennedy, Langford, Letson, McKee, McMillan, Minus, Moore, Naramore, Nevett, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—67

*Nays:*

Reps. Holley, Horn, Howard, Jackson, Johnson (Roy), Kelley and Smith (C).

—7

And the Bill, H. 565, was ordered sent forthwith to the Senate without engrossment.

And the bill:

H. 780. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Which previously was temporarily postponed, was taken up.

#### AMENDMENT OFFERED

Rep. Hines offered the following amendment to the bill, H. 780:

On page 2, line 12, after the period, insert the following language:

Within 24 months of the effective date of this Act, each of the aforementioned identified groups must obtain federal recognition to participate in the commission.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

*Yeas:*

Reps. Adams (C), Adams (H), Bedsole, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Dixon, Edwards, Escott, Ford, Gafford, Grouby, Hammett, Harper (O), Harvey, Hines, Holley, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—64

#### CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 780.

#### AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 780 as amended:

Amend H. 780 as follows:

On page 2, Section 1, line 9, after the word "the", insert the following words:

Star Clan of

On page 2, Section 1, line 10, delete the words "Jefferson County" and insert in lieu thereof the following:

Alabama

On page 2, Section 1, line 14, after the word "group", insert the following words:

and is not affiliated with any Alabama tribe

On page 2, Section 1, line 18, after the word "a", delete the word "Chairman" and insert in lieu thereof the word.

Chairperson

On page 4, Section 3, line 8, delete the word "and" and insert in lieu thereof the word.

or

On page 4, Section 5, line 26, delete the word "Chairman" and insert in lieu thereof the word

Chairperson

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 52; Nays 3.

*Yeas:*

Reps. Amari, Bedsole, Blake, Bowling, Brakefield, Carothers, Carter, Cheatwood, Cobb, Cooley, Cosby, Dixon, Drinkard, Escott, Gafford, Gilmer, Harper (O), Harper (T), Harvey, Holmes, Howard, Jackson, Johnson (Roy), Kennedy, McMillan, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Payne, Penry, Reed, Riddick, Sandusky, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—52

*Nays:* Reps. Holley, Manley and Wyatt.

—3

#### AMENDMENT OFFERED

Rep. Daniels offered the following amendment to the bill, H. 780 as amended:

Amend H. B. 780 on page 2, Section 1.b., line 11, immediately after the word "County" by inserting the following:

, and the Cherokees of South East Alabama

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

*Yeas:*

Reps. Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Howard, Jackson,

Johnson (Roy), Kelley, Kennedy, Laird, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Sandusky, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—77

And the bill, H. 780 as amended, was read a third time at length and passed.

Yeas 82; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Horn, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

#### RULE SUSPENDED

On motion of Rep. Ray, Rule 4(4) was suspended to permit the bill, H. 780, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 82; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

*Nay:* Rep. Hines.

—1

And the bill, H. 780, was ordered sent forthwith to the Senate without engrossment.

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 780:



Reps. Adams (H), Amari, Bennett, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cobb, Crow, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Grimsley, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (Roy), Laird, Langford, Letson, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Rains, Ray, Reed, Seibels, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. McCorquodale, Turner and Bedsole:

H. R. 346. MOURNING THE DEATH OF JUDGE WILLIAM GILMER LINDSEY OF McINTOSH, WASHINGTON COUNTY, ALABAMA.

### SPECIAL ORDER RESUMED

And the bill:

H. 80. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, relating to certain non-resident hunting licenses, so as to increase the license fee, set the expiration date and provide for the contents of the license.

Was taken up.

### SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the bill, H. 80:

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, relating to certain resident and nonresident hunting licenses so as to increase the license fees for nonresident licenses, set the expiration date, provide for the contents of the license, set certain penalties and set the maximum number of deer which may be taken under a nonresident license.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, are hereby amended to read as follows:

"§9-11-44. Any person who has reached his sixteenth birthday and who has not yet reached his sixty-fifth birthday and who has resided in Alabama continuously for a period of not less than 90 days next preceding, and who is not serving as a member of the armed forces of the United States of America during any period of time in which the United States of America is in a state of war, as declared by an act of congress, must procure an annual state hunting license for himself before such person is entitled to hunt in this state by filing his application with the person in any county of the state duly authorized to issue said license, stating his name, age, place of residence, post office address, and after paying to the person issuing same a license fee of \$10.00. Any such person may procure a county hunting license for himself by

filing his application with the person in the county in which he permanently resides, duly authorized to issue said license, stating as provided above, and after paying to the person issuing same a license fee of \$5.00."

"All persons making application for an annual state hunting license as provided in this section shall present a driver license or in the case of nondrivers, proof of permanent residence. All licenses required by this section shall bear the driver license number of the licensee, except in the case of nondrivers, and all licenses shall bear proof of residence as required by the commissioner of conservation and natural resources."

"Every person who obtains an annual state hunting license without presenting a driver license or in the case of nondriver, proof of permanent residence, shall be punished by a fine of not less than twice the amount of the required license."

"The licenses required by this section shall not apply to any person or member of his immediate family who hunts on lands owned by him, nor shall it include any tenant or member of his immediate family who hunts on lands leased or rented by such tenant and who resides on such lands."

"All persons under the age of 16 years shall be exempted from the requirement of procuring such licenses. Any citizen of this state over 65 years of age shall be exempted from the requirement of procuring a hunting license as provided for herein upon payment of an issuing fee not to exceed \$1.00 to any judge of probate or license commissioner and, upon satisfactory proof to such judge or probate or license commissioner that he has attained the age of 65 years, an exempted hunting license will thereupon be issued to such person. Such exempted license issued to any citizen of this state who has attained the age of 65 years shall be issued upon a lifetime bases and without further requirements of annual renewal. In the event such license is lost, such citizen may acquire a similar license by paying to any judge of probate or license commissioner an issuing fee not to exceed \$1.00 and upon again presenting satisfactory proof that he has attained the age of 65 years."

"All license fees collected under this section shall be deposited in the state treasury to the credit of the game and fish fund."

"§9-11-47. Any nonresident of this state who is 16 years old or older must procure an annual 'all game hunt license' to hunt all legal game in this state by filing his application with the commissioner of conservation and natural resources or any judge of probate or other person authorized to issue same, stating his age, race, place of residence and post office address and after paying to the person issuing said license a fee of \$50.25 \$175.00.

"Every person making application for nonresident game license as provided in this section and Sections 9-11-46, 9-11-48 and 9-11-49 of Code of Alabama 1975 shall present a driver license or in the case of nondrivers, proof of permanent residence. All nonresident game licenses shall bear the driver license number of the licensee and the state where said license was issued, except in the case of nondrivers, and all licenses shall bear proof of residence as required by the commissioner of conservation and natural resources."

"Every person who obtains a nonresident game license without presenting a driver license or in the case of nondrivers, proof of permanent residence, shall be punished by a fine of not less than twice the applicable license fee."

"All game hunt licenses issued pursuant to this section shall be valid for hunting deer only from the opening date of statewide deer season through December 31 of that same year."

"The issuing officer or authority shall be allowed a fee of \$.50 for each nonresident license issued by him as provided in this section and Sections 9-11-46, 9-11-48 and 9-11-49, which issuing fee shall be in addition to the cost of the license."

"It shall be unlawful for any person to take or kill more than three deer or two turkeys during the period for which said person is issued a license as provided in this section."

"§9-11-49. Any nonresident of this state who is 16 years or older must procure a 'trip all game hunt license' to hunt all legal game in this state in the same manner as provided for procuring the nonresident annual hunting licenses provided for in sections 9-11-46 and 9-11-47 by paying therefor the sum of \$25.25 \$75.00, which license will authorize the holder thereof to hunt in this state for a period of five days from the day said license was issued."

"Trip all game hunt licenses issued pursuant to this section shall be valid only for five day periods between the opening date of statewide deer season and December 31 of that same year."

"It shall be unlawful for any person to take or kill more than three deer or two turkeys during any five day period for which said person is issued a license as provided in this section."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Kennedy, Laird, Letson, McKee, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

#### AMENDMENT OFFERED

Rep. Minus offered the following amendment to the bill, H. 80 as amended:

In Section 1 of the quoted section 9-11-47 on page 3, line 31, delete the quote marks and add the following underlined language as a continuation of said quoted section 9-11-47:

Provided, however, the provisions of this paragraph as to the expiration date of such licenses shall not apply to nonresidents of this state who pay a fee to an authorized guide hunting service. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out the requirements for an approved guide hunting service."

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 4.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Penry, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

*Nays:* Reps. Holley, Johnson (Roy), Naramore and Rains.

—4

And the bill:

H. 80. To amend Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, relating to certain resident and nonresident hunting licenses so as to increase the license fees for nonresident licenses, set the expiration date, provide for the contents of the license, set certain penalties and set the maximum number of deer which may be taken under a nonresident license.

As amended, was read a third time at length and passed.

Yeas 85; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—85

*Nay:* Rep. Holley.

—1

## CO-SPONSORS ADDED

Reps. Stout, Bowling and Cobb were added as co-sponsors to the bill, H. 80.

## RULE SUSPENDED

On motion of Rep. Biddle, Rule 4(4) was suspended to permit the bill, H. 80, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 78; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

*Nay:* Rep. Holley.

—1

And the bill, H. 80, was ordered sent forthwith to the Senate without engrossment.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 761. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase; and providing for the conditions upon which the provisions of this act shall become effective.

Also:

H. 762. Relating to Pickens County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the county revenue commissioner to the probate judge requiring an additional bond of the probate judge; providing for the payment of fees and commissions to the probate judge of the county, the distribution of the taxes to municipalities and the state, and the payment of commissions to the judge of probate; and defining terms.

Also:

H. 765. Relating to Perry County; providing for an expense allowance for members of the board of education and repealing Act No. 187, S. 134, 1971 2nd Special Session, (Acts 1971, p. 4448).

Also:

H. 767. Relating to Lawrence County; to rearrange the boundaries of the City of Moulton, so as to exclude from the corporate limits of said city certain territory within such limits.

Also:

H. 771. To amend Section 1 of Act No. 312, H. 461 of the 1973 Regular Session of the Legislature (Acts 1973, p. 443), relating to branch banking in Marion County, Alabama, so as to provide that any bank in Marion County shall be permitted to branch into any municipality in the county that does not presently have banking facilities.

Also:

H. 774. To provide the sheriff's department of Baldwin County with a specific number of employees, establish the rate of compensation for said employees and provide training of such employees.

Also:

H. 775. Relating to Baldwin County; to authorize the county commission, in its discretion, to appropriate funds from the county general fund to be expended by the sheriff to conduct investigations and to enforce the laws relating to the possession and sale of drugs and controlled substances.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 55. Relating to Walker County; to provide that all telephone calls that originate and terminate in Walker County, except those to and from telephones served by an exchange in Jefferson County, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Walker County affected by the service, to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

And said Bill, H. B. 55, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 336. COMMENDING DR. JAMES R. CHASTEEN, RECIPIENT OF "OUTSTANDING ADMINISTRATOR" AWARD.

Also:

H. J. R. 345. URGING THE EXPEDITIOUS IMPLEMENTATION OF THE 1980-81 PAY AND CLASSIFICATION FOR STATE UNEMPLOYEES WITH CERTAIN RECOMMENDATIONS.

McDOWELL LEE,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 408. Relating to Jefferson County; to provide certain health benefits to members of the General Retirement System for Employees of Jefferson County who have retired on a superannuation or disability until said member reaches eligibility for Medicare and/or Medicaid, and to provide for the funding of said benefits.

Also:

H. 580. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Also:

H. 718. To alter or rearrange the boundary lines of the Town of Ashville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Also:

H. 733. To provide for a certain increase in court costs in the Wilcox County division of the Fourth Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Wilcox County.

Also:

H. 736. To further provide for the administration of absentee voting in Clay County, except during municipal elections.

Also:

H. 734. To propose a constitutional amendment regarding the altering of costs and charges of courts in Wilcox County.

Also:

H. 741. Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Lamar County, Alabama.

Also:

H. 742. Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Fayette County, Alabama.

Also:

H. 760. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to change the charges and costs of court in Pickens County and to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges or changes in court costs.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## SPECIAL ORDER RESUMED

And the bill:

H. 107. (With Amendment): To amend Section 6-5-332 of the Code of Alabama, 1975, so as to include educators in the exemptions from liability when rendering emergency care.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 107 on page 1, Section 1, line 22 by adding after the words "of the public" the following:

or nonpublic

## AMENDMENT TABLED

On motion of Rep. Carothers the amendment reported by the Standing Committee on Health to the bill, H. 107, was tabled.

Yeas 39; Nays 7.

*Yeas:*

Reps. Bedsole, Bennett, Biddle, Blake, Bowling, Campbell, Carothers, Carter, Cheatwood, Gafford, Gilmer, Grimsley, Hall, Harper (O), Howard, Johnson (Roy), Kelley, Kennedy, McMillan, Moore, Olive, Owens, Parker, Patton, Rains, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Warren, Whatley, Williams, Willis and Zoghby.

—39

*Nays:*

Reps. Clark (G), Johnson (R. G.), Laird, McKee, Minus, Payne and Wyatt.

—7

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## AMENDMENT OFFERED

Rep. Manley offered the following amendment No. 1 to the bill, H. 107:

Amend H. B. 107 on page 1, Section 1(a), line 23 by adding after the word "State" the following:



"and all other citizens of the state of Alabama"

On motion of Rep. Carothers, the amendment No. 1 offered by Rep. Manley to the bill, H. 107, was tabled.

Yeas 37; Nays 23.

*Yeas:*

Reps. Bedsole, Brakefield, Carothers, Carter, Cheatwood, Cobb, Daniels, Escott, Gafford, Grimsley, Hammett, Harper (O), Holley, Johnson (R. G.), Johnson (Roy), Kelley, McMillan, Mitchell, Naramore, Nevett, Patton, Payne, Penry, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Smith (M), Stewart, Turner, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—37

*Nays:*

Mr. Speaker, Albright, Bennett, Blake, Bowling, Cabaniss, Campbell, Clark (G), Cooley, Crow, Gilmer, Hall, Harvey, Howard, Laird, Langford, McKee, Manley, Minus, Owens, Pegues, Rains and Zoghby.

—23

#### AMENDMENT OFFERED

Rep. Manley offered the following amendment No. 2 to the bill, H. 107:

Amend H. B. 107 on page 1, Section 1(a), line 23 by adding after the word "state" the following:

"Who is a qualified graduate of a Medical Aid Course approved in writing by the Alabama Medical Association and further provided that said employee has a certificate in writing evidencing completion of said course."

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Edwards, Gafford, Gilmer, Gregg, Grouby, Hall, Harper (O), Harper (T), Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Trammell, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—62

#### AMENDMENT OFFERED

Rep. Cooley offered the following amendment to the bill, H. 107 as amended:

On page 1, line 23, after the word "state," add the following:

"acting within the line and scope of such employment, and rendering aid as hereinafter described to a student in their care or charge,"

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

*Yeas:*

Reps. Adams (C), Adams (H), Bedsole, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

And the bill, H. 107 as amended, was read a third time at length and passed.

Yeas 70; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Gregg, Grouby, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

*Nays:* Reps. Campbell, Clark (G), Cooley, Hall, McKee and Rains. —6

## RULE SUSPENDED

On motion of Rep. Carothers, Rule 4(4) was suspended to permit the bill, H. 107, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 73; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Gregg, Grouby, Hammett, Harper (O), Harper (T), Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

Nays: Reps. Clark (G), Cooley, Hall, Harvey, Minus and Rains. —6

And the bill, H. 107, was ordered sent forthwith to the Senate without engrossment.

### RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 347. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, April 13, 1982, we adjourn to meet again on Thursday, April 15, 1982, at 11:00 A.M.

On motion of Rep. Biddle, the resolution, H. R. 347, was adopted.

Also:

By Reps. Dixon and Venable:

H. R. 348. CALLING UPON THE ALABAMA CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION TO REVITALIZE THE AMERICAN ECONOMY AND TO KEEP THIS NATION'S MEANS OF PRODUCTION UNDER AMERICAN CONTROL.

WHEREAS, because of adverse economic conditions, the unemployment rate in Alabama is the second highest for any state in the nation; and

WHEREAS, because of so much of the industrial capacity of the State of Alabama, such as in the textile industry and in automobile production and related industries, is so sensitive to unfair foreign competition; and

WHEREAS, this nation's foreign trade policy has had the effect of exporting jobs from Alabama to foreign nations; and

WHEREAS, in an ever increasing amount, the means of production in this nation, both agricultural and industrial, are falling under the control of citizens of foreign nations, and in some instances foreign governments themselves; and

WHEREAS, the House of Representatives of the State of Alabama feels that restrictions on the ownership of this nation's means of production could be critical in emergency situations such as a war time condition or when this country is mobilizing for war and converging its industrial base from peace time production to war time production; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That this legislative body go on record as supporting national legislation to provide a degree of protection to enable the American industrial base to regenerate itself, so that by the end of this century America can be reindustrialized, and to that end the United States Congress is hereby urged to impose on any and all manufactured items imported into the United States from a foreign nation a tariff of sufficient amount to give U. S. producers the degree of protection needed in order to make our domestic manufacturers competitive in the domestic market with foreign goods.

BE IT FURTHER RESOLVED, That the U.S. Congress be urged to enact legislation which would limit the ownership of our national means of production, both agricultural and industrial, so that no foreign government, its agents or instrumentalities, and no foreign nationals or any foreign entity

shall be permitted to own more than 40% equity ownership of any manufacturing business in the United States and no foreign government, its agents or instrumentalities and no foreign national shall be permitted to, directly or indirectly, own an equity interest in any farming or timber operation in the United States which exceeds 40% of the equity of such farming or timber operation.

BE IT FURTHER RESOLVED, That the Clerk of the Alabama House of Representatives send a duly executed and certified copy of this Resolution to each member of the Alabama delegation to the United States House of Representatives and the United States Senate so that these elected officials can be made award of the sentiments of the people of the State of Alabama as manifested by this resolution of the House of Representatives of the State of Alabama.

The resolution, H. R. 348, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Clark (W) and Penry:

H. R. 349. CONGRATULATING REVEREND N. L. POWE ON HIS FOURTH ANNIVERSARY AS PASTOR OF THIRD BAPTIST CHURCH.

#### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:20 P.M. on April 13, 1982.

H. J. R. 331.

Delivered to the Governor at 4:30 P.M. on April 13, 1982.

H. 580

H. 718

H. 733

H. 736

H. 408

JOHN W. PEMBERTON,  
Clerk.

#### ADJOURNMENT

On motion of Rep. Campbell and pursuant to the resolution, H. R. 347, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, April 15, 1982.

Yeas 45; Nays 43.

*Yeas:*

Reps. Adams (C), Albright, Barton, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Drinkard, Gregg, Hall, Harper (O), Harvey, Holmes, Jackson, Johnson (Roy), Langford, Letson, McKee, Manley, Minus, Mitchell, Nevett, Olive, Parker, Patton, Reed, Roberts, Sasser, Stout, Trammell, Tucker, Turner, Turnham, Ward, Whatley and Williams.

—45

*Nays:*

Reps. Amari, Bedsole, Bennett, Biddle, Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Hammett, Harper (T), Hines, Holley, Horn, Howard, Johnson (R. G.), Kelley, McMillan, Moore, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Waggoner, Willis, Wyatt and Zoghby.

—43

#### TWENTY-EIGHTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, April 15, 1982

The House met pursuant to adjournment.

#### PRAYER

The session was opened with prayer by Dr. Roy Sublette, Pastor, Aldersgate United Methodist Church, Montgomery, Alabama.

#### ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-seventh legislative day and finds the same to be correct.

JACK BIDDLE, III,  
Chairman.

On motion of Rep. Manley, the rules were suspended and the reading at length of the Journal of the House for the twenty-seventh legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-seventh legislative day was approved.

## S. 195 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 195, from the Standing Committee on Education to the Standing Committee on State Administration.

## LEAVE OF ABSENCE

At the request of Rep. Bennett, leave of absence was granted for Rep. Lewis due to a death in the family.

## CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Secretary of State on the date and hour named and that I hold the receipt of the Secretary of State for same.

Delivered to the Secretary of State at 10:35 A.M. on April 14, 1982.

H. 734 (Constitutional Amendment)

H. 741 (Constitutional Amendment)

H. 742 (Constitutional Amendment)

H. 760 (Constitutional Amendment)

JOHN W. PEMBERTON,  
Clerk.

## RESOLUTIONS

The following resolutions were introduced:

By Reps. Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson, (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore,

Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 350. COMMENDING SPEAKER JOE C. McCORQUODALE, JR., FOR HIS EIGHT YEARS OF CHRISTIAN LEGISLATIVE LEADERSHIP.

WHEREAS, Speaker Joe C. McCorquodale, Jr., has served for 24 years in the Alabama House of Representatives in an exemplary Christian manner; and

WHEREAS, upon his election as Speaker of the House in 1975 he initiated and hosted the Legislative Prayer Breakfast every Thursday morning when the Legislature was in session, and

WHEREAS, upon his re-election as Speaker of the House in 1979 he perpetuated this tradition by continuing the very popular Legislative Prayer Breakfast for the full eight years of his Speakership; and

WHEREAS, the spiritual leadership and inspirational guidance provided by the ministers and religious lay persons addressing the Legislative Prayer Breakfast have added to the high moral standards of the Legislature and the quality of its actions; and

WHEREAS, the members of the House, members of the Senate, Legislative Pages and Legislative Guests have greatly enjoyed and benefited from these thought provoking and prayerful moments in each legislative session;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and thank Speaker Joe C. McCorquodale, Jr., for his initiation and continuance of the Legislative Prayer Breakfast and his many other acts of dedicated Christian Legislative Leadership.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 350, was adopted.

Also:

By Reps. Manley and McCorquodale:

H. J. R. 351. SALUTING BERGERON INDUSTRIES, INC. FOR SELECTING ALABAMA FOR ITS 1982 INDUSTRIAL EXPANSION.

WHEREAS, Bergeron Industries, Inc. began under the leadership of Roland J. Bergeron, Jr., in the mid-1950's, and was incorporated under its present name in 1973 in Louisiana, with annual sales in its initial year of incorporation of approximately 4 million dollars; and

WHEREAS, the corporation expanded into the State of Mississippi in 1976 as Bergeron Marine, Inc. and continued its fantastic growth in the Marine Construction Industry; and

WHEREAS, a subsidiary was incorporated in 1981 in Alabama as Bergeron Barges, Inc., through which construction was initiated immediately in Demopolis, and the first barge constructed at the Demopolis facility known as Super Jumbo Open Hopper Barge, SJ-101, will be christened and launched on Wednesday, April 21, 1982; and

WHEREAS, Bergeron Industries, Inc. through its Alabama subsidiary, has invested in excess of 10 million dollars in construction at Demopolis and has added 300 new jobs to the economy of our State;

NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do salute

Bergeron Industries, Inc. and its subsidiary corporations and thank them most sincerely for their corporate capital investment in our State and for their payroll addition to the employment rolls of Alabama, and we enthusiastically welcome Bergeron Industries, Inc. to the industrial complex of the State of Alabama.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 351, was adopted.

Also:

By Rules Committee:

H. J. R. 352. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, April 15, 1982, we adjourn to meet again on Tuesday, April 20; when we adjourn on Tuesday, April 20, we adjourn to meet again on Monday, April 26; and when we adjourn on Monday, April 26, 1982, we adjourn sine die.

Rep. Biddle offered the motion to adopt the resolution, H. J. R. 352.

#### SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the resolution, H. J. R. 352:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That when we adjourn today, Thursday, April 15, 1982, we adjourn to meet again on Monday, April 19, 1982, at 1:00 p.m.

#### MOTION TO TABLE LOST

The motion offered by Rep. Manley to table the substitute offered by Rep. Johnson (Roy) to the resolution, H. J. R. 352, was lost.

Yeas 44; Nays 44.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Biddle, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Gafford, Grouby, Hall, Harper (T), Higginbotham, Hines, Kennedy, Letson, McKee, McMillan, Manley, Owens, Parker, Patton, Pegues, Rains, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Turnham, Venable, Ward, Williams, Willis and Zoghby.

—44

*Nays:*

Reps. Adams (C), Albright, Amari, Bennett, Blake, Bowling, Brakefield, Buskey, Clark (W), Cobb, Cooley, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Gregg, Grimsley, Hammett, Harper (O), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Langford, Mitchell, Naramore, Olive, Penry, Ray, Reed, Smith (C), Smith (J), Starkey, Stout, Waggoner, Warren, Whatley and Wyatt.

—44

#### SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Johnson (Roy) to the resolution, H. J. R. 352, and the substitute was adopted.



Yeas 45; Nays 43.

*Yeas:*

Reps. Adams (C), Albright, Amari, Bennett, Blake, Bowling, Brakefield, Buskey, Clark (W), Cobb, Cooley, Crow, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Gregg, Grimsley, Hammett, Harper (O), Harrison, Harvey, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Olive, Penry, Ray, Reed, Smith (C), Smith (J), Starkey, Stout, Waggoner, Warren, Whatley and Wyatt.

—45

*Nays:*

Mr. Speaker, Barton, Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Gafford, Grouby, Hall, Harper (T), Higginbotham, Hines, Kelley, Letson, McKee, McMillan, Manley, Owens, Parker, Patton, Payne, Pegues, Rains, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Trammell, Venable, Ward, Williams, Willis and Zoghby.

—43

#### RESOLUTION DEFINITELY POSTPONED

On motion of Rep. Johnson (Roy), the resolution, H. J. R. 352 as amended, was indefinitely postponed.

Yeas 58; Nays 29.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Gilmer, Goodwin, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Mitchell, Moore, Naramore, Olive, Penry, Ray, Reed, Riddick, Roberts, Smith (C), Smith (J), Starkey, Stout, Trammell, Warren, Whatley, Williams, and Wyatt.

—58

*Nays:*

Reps. Barton, Bedsole, Campbell, Cates, Clark (G), Coburn, Cosby, Dixon, Gafford, Higginbotham, Letson, McKee, McMillan, Manley, Owens, Patton, Payne, Pegues, Rains, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Waggoner, Ward, Willis and Zoghby.

—29

#### REPORT OF STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. R. 348. CALLING UPON THE ALABAMA CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION TO REVITALIZE THE AMERICAN ECONOMY AND TO KEEP THIS NATION'S MEANS OF PRODUCTION UNDER AMERICAN CONTROL.

On motion of Rep. Biddle, the resolution, H. R. 348, was adopted.

### RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 353. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business, April 15, 1982, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Reed:

H. 320 p. 185 Boards of registrars

By Rep. Waggoner:

H. 305 p. 65 Competitive bid law

By Rep. Owens:

H. 699 p. 141 Board of adjustment

By Mr. Teague:

S. 432 p. 179 Gasoline discounts

By Rep. Pegues:

H. 207 p. 140 A.C.H.E.

By Mr. Higginbotham:

S. 303 p. 174 A.C.H.E.

By Mr. Barron:

S. 288 p. 154 Insurance representatives

By Rep. Riddick:

H. 731 p. 171 Huntsville Space Center

By Rep. Gafford:

H. 479 p. 62 Income tax rates

By Rep. Owens:

H. 159 p. 2 State personnel Board

By Mr. Parsons:

S. 221 p. 188 State employees health insurance plan

By Mr. Callahan:

S. 348 p. 189 Compact, rapid rail transit

By Mr. Goodwin:

S. 396 p. 139 Investigators

By Rep. Edwards:

H. 63 p. 16 TV franchises

By Rep. Smith (J):

H. 186 p. 9

By Rep. Clark (G):

H. 261 p. 33

By Mr. Higginbotham:

S. 97 p. 75 Dogfighting

By Mr. deGraffenried:

S. 169 p. 179 Court of Criminal Appeals

By Rep. Bennett:

H. 419 p. 58 Tannehill

By Rep. Lewis:

H. 745 p. 174 Wrestlers

By Rep. Patton:

H. 119 p. 19 Crimes of Burglary and criminal trespass

By Rep. Johnson (R. G.):

H. 365 p. 37 District courts

By Rep. Johnson (R. G.):

H. 366 p. 37 District courts

By Mr. Mitchem:

S. 14 p. 197 Recreation

By Mr. Goodwin:

S. 41 p. 71 Selma, family practice

By Rep. Turner:

H. 387 p. 85 Transportation companies

By Rep. Shoemaker:

H. 599 p. 114 Controlled substances

By Rep. Zoghby:

H. 440 p. 52 Grandparent visits

By Mr. deGraffenried:

S. 266 p. 134 Hunting, public roads

By Mr. deGraffenried:

S. 267 p. 135 Nighttime hunting

By Mr. deGraffenried:

S. 269 p. 135 Hunting, lands of another

By Rep. Lewis:

H. 12 p. 10 Drugs

By Rep. Letson:

H. 121 p. 23 Small claims court

By Mr. White:

S. 47 p. 128 One stop permitting

By Rep. Willis:

H. 463 p. 74 State owned submerged land

By Rep. Smith:

H. 784 p. 167 Single parent adoption

By Rep. Pegues:

H. 764 p. 3-S Hay baling ties, exemption

By Mr. Martin:

S. 37 p. 66 Municipalities

By Mr. Martin:

S. 38 p. 67 Municipalities

By Mr. Mitchem:

S. 35 p. 95 Paint labeling requirements

By Mr. Callahan:

S. 366 p. 186 Mobile Area Chamber of Commerce

By Mr. Bailey:

S. 62 p. 115 Voluntary dental insurance

By Mr. Hilliard:

S. 343 p. 163 Community services

By Rep. Higginbotham

H. 321 p. 145 Minors or persons of unsound mind

By Mr. Hall:

S. 27 p. 123 Vacations, non teachers

By Rep. Drinkard:

H. 680 p. 151 Unemployment Compensation

By Rep. Roberts:

H. 451 p. 68 Judicial review, Medical Examiners

By Mr. Vacca:

S. 212 p. 136 Municipal utility systems

By Mr. Vacca:

S. 213 p. 137 Municipal utility systems

By Rep. Pegues:

H. 562 p. 118 Teachers Retirement System

By Rep. Riddick:

H. 730 p. 181 Sanitarians

By Mr. Martin:

S. 31 p. 151 Public transportation

By Rep. Dixon:

H. 22 p. 13 Blood donors

By Rep. Pegues:

H. 338 p. 48 Drinking age

By Rep. Rains:

H. 421 p. 1 Parental consent

By Rep. Seibels:

H. 592 p. 164 Acupuncture

Rep. Biddle offered the motion to adopt the resolution, H. R. 353.

#### SUBSTITUTE OFFERED

Rep. Dial offered the following substitute to the resolution, H. R. 353:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business, April 15, 1982, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Reed:

H. 320 p. 185 Boards of registrars

By Rep. Waggoner:

H. 305 p. 65 Competitive bid law

By Rep. Owens:

H. 699 p. 141 Board of adjustment

By Rep. Pegues:

H. 207 p. 140 A.C.H.E.

By Rep. Riddick:

H. 731 p. 171 Huntsville Space Center

By Rep. Gafford:

H. 479 p. 62 Income tax rates

By Rep. Owens:

H. 159 p. 2 State personnel Board

By Rep. Edwards:

H. 63 p. 16 TV franchises

By Rep. Smith (J):

H. 186 p. 9

By Rep. Clark (G):

H. 261 p. 33

By Rep. Bennett:

H. 419 p. 58 Tannehill

By Rep. Lewis:

H. 745 p. 174 Wrestlers

By Rep. Patton:

H. 119 p. 19 Crimes of Burglary and criminal trespass

By Rep. Johnson (R. G.):

H. 365 p. 37 District courts

By Rep. Johnson (R. G.):

H. 366 p. 37 District courts

By Rep. Turner:

H. 387 p. 85 Transportation companies

By Rep. Shoemaker:

H. 599 p. 114 Controlled substances

By Rep. Zoghby:

H. 440 p. 52 Grandparent visits

By Rep. Lewis:

H. 12 p. 10 Drugs

By Rep. Letson:

H. 121 p. 23 Small claims court

By Rep. Willis:

H. 463 p. 74 State owned submerged land

By Rep. Smith:

H. 784 p. 167 Single parent adoption

By Rep. Pegues:

H. 764 p. 3-S Hay baling ties, exemption

By Rep. Higginbotham:

H. 321 p. 145 Minors or persons of unsound mind

By Rep. Drinkard:

H. 680 p. 151 Unemployment Compensation

By Rep. Roberts:

H. 451 p. 68 Judicial review, Medical Examiners

By Rep. Pegues:

H. 562 p. 118 Teachers Retirement System

By Rep. Riddick:

H. 730 p. 181 Sanitarians

By Rep. Dixon

H. 22 p. 13 Blood donors

By Rep. Pegues:

H. 338 p. 48 Drinking age

By Rep. Rains:

H. 421 p. 1 Parental consent

By Rep. Seibels:

H. 592 p. 164 Acupuncture

#### SUBSTITUTE TABLED

On motion of Rep. Biddle, the substitute offered by Rep. Dial, to the resolution, H. R. 353, was tabled.

Yeas 40; Nays 32.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bedsole, Biddle, Cabaniss, Carothers, Carter, Cheatwood, Cosby, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Higginbotham, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, McMillan, Olive, Parker, Payne, Pegues, Ray, Roberts, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Waggoner, Whatley, Williams and Zoghby.

*Nays:*

Reps. Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Clark (G), Clark (W), Coburn, Cooley, Crow, Dial, Dixon, Gregg, Harper (O), Harrison, Harvey, Howard, Kennedy, McKee, Mitchell, Patton, Penry, Rains, Seibels, Shavers, Smith (J), Smith (M), Starkey, Stout, Willis and Wyatt.

—32

#### RESOLUTION ADOPTED

On motion of Rep. Biddle, the resolution, H. R. 353, was adopted.

Yeas 58; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cobb, Cooley, Cosby, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Hammett, Harvey, Higginbotham, Hines, Holley, Johnson (R. G.), Kelley, Kennedy, McKee, McMillan, Manley, Moore, Owens, Parker, Pegues, Penry, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—58

*Nays:* Reps. Albright, Boles, Dial, Johnson (Roy), Stout and Wyatt.

—6

Also:

By Rep. Rains:

H. J. R. 354. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

WHEREAS, State telephone operators are on duty from 7:00 a.m. until 11:30 p.m. on weekdays, and from 9:00 a.m. until 5:00 p.m. on weekends and holidays; during these hours the State's WATS line can be made available by an operator to members of the Legislature anywhere in the State; and

WHEREAS, when the Legislature is in session on a holiday, however, as on Jefferson's Birthday, 1982, the State's WATS line is unavailable for business use by members of the Legislature during early morning and late evening hours, except from phones located in the Capitol itself or in other state buildings; and

WHEREAS, the pressing affairs of government are such that it is oftentimes necessary for legislators to place business calls outside the nine-till-five holiday hours, thus it is necessary that normal service be available when the House and Senate are in session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Service Division of the State Finance Department to provide that State telephone operators maintain a normal weekday schedule on all days that the Legislature is in session.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to advise State Finance Director Dr. Rex Rainer, by copy of this resolution, of this request of the Legislature.



On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 354, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 89. To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and to provide how the maximum salary of such staff assistants shall be determined by the Mayor, and for the protection of salary and other rights of merit system employees appointed hereunder, and for the inclusion of appointees in the general pension system of the municipality upon application for such membership within thirty (30) days of appointment.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE ON S. 89

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning Senate Bill No. 89 have met in conference and have agreed to accept the attached substitute.

EARL HILLIARD,

J. RICHMOND PEARSON,

MAC PARSONS,

Conferees on the part of the Senate.

SUNDRA ESCOTT,

HOYT W. TRAMMELL,

ASBURY HOWARD,

Conferees on the part of the House.

April 8, 1982

CONFERENCE COMMITTEE SUBSTITUTE ON S. 89

A BILL  
TO BE ENTITLED  
AN ACT

To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and to provide how the maximum salary of such staff assistants shall be determined by the Mayor, and for the protection of salary and other rights of merit system employees appointed hereunder, and

for the inclusion of appointees in the general pension system of the municipality upon application for such membership within thirty (30) days of appointment.

Be It Enacted by the Legislature of Alabama:

Section I. That Section 4.06(9) of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, be and said Section 4.06(9) is hereby amended to read as follows:

"4.06(9) Employ as members of his staff as many as six (6) persons for and on behalf of said city to assist the Mayor and perform such duties relating to the Mayor as the Mayor may assign. Each such employee shall serve at the pleasure of the Mayor at such compensation as the Mayor may set provided the salary paid shall not exceed \$27,000.00. Such staff members shall not be under any merit or civil service system, but, should a member of the classified service under any merit or civil service system applicable to the city be appointed hereunder, the provisions of this section notwithstanding, he may be paid at the salary established for his classification at the time of appointment and such person shall not lose any rights under such merit or civil service system by reason of his appointment hereunder, and shall, upon termination of service on the Mayor's staff, have the right to return to the classified service, with full credit for time served on the Mayor's staff, at the same or higher classification as that held upon appointment hereunder. Each such employee shall by reason of such employment become a member of the pension system covering the general employees of the city, if there be such a system, to the same extent and in the same manner as other general employees of the city, provided such employee apply to the board or other authority administering such pension system within thirty (30) days of appointment; otherwise, such employee shall not be a member of the system. This section shall not limit the authority of the Mayor to appoint other staff under the merit system or as otherwise authorized by law."

Section II. No person employed in one of these positions shall run for elected office while so employed.

Section III. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, S. B. 89, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Escott, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 89, said Report being set out in the above and foregoing Message from the Senate.

Yeas 13; Nays 1.

*Yeas:*

Reps. Amari, Bennett, Biddle, Gafford, Harrison, Horn, Howard, Jackson, Moore, Payne, Seibels, Trammell and Waggoner.

*Nay:* Rep. Olive.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 89, as amended by the Report of the Committee on Conference was again read at length and passed.

Yeas 14; Nays 2.

*Yeas:*

Reps. Amari, Bennett, Biddle, Boles, Escott, Gafford, Harrison, Horn, Howard, Jackson, Moore, Seibels, Trammell and Waggoner.

—14

*Nays:* Reps. Cheatwood and Olive.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 91. Relating to Class I municipalities, and any municipality having a population of 250,000 or more according to the last or any subsequent federal decennial census, to authorize the Mayor of any such municipality in this state to employ for and on behalf of said municipality a Chief Administrative Assistant to the Mayor, to provide how the maximum salary of the Chief Administrative Assistant shall be determined by the Mayor, to preserve salary and merit system rights of classified employees appointed to the Mayor's staff, and to provide that such employee shall not be subject to any merit system while serving on the Mayor's staff but shall be a member of any pension system applicable to merit system employees, provided application for such membership be made within thirty (30) days of appointment.

Also:

S. 484. Relating to Escambia County; providing supplemental fee allowances for constables; and providing for additional court costs.

Also:

S. J. R. 226. MEMORIALIZING CONGRESS TO REINSTATE THE BURIAL ALLOWANCE AFFORDED CERTAIN VETERANS.

Also:

S. J. R. 227. MEMORIALIZING THE CONGRESSIONAL DELEGATION OF THE STATE OF ALABAMA TO OPPOSE ANY CURTAILMENT OF MEDICAL CARE FOR VETERANS.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to-wit:

H. 55. Relating to Walker County; to provide that all telephone calls that originate and terminate in Walker County, except those to and from telephones served by an exchange in Jefferson County, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Walker County affected by the service, to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

Also:

H. J. R. 336. COMMENDING DR. JAMES R. CHASTEEN, RECIPIENT OF "OUTSTANDING ADMINISTRATOR" AWARD.

Also:

H. J. R. 345. URGING THE EXPEDITIOUS IMPLEMENTATION OF THE 1980-81 PAY AND CLASSIFICATION FOR STATE EMPLOYEES WITH CERTAIN RECOMMENDATIONS.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 761. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase; and providing for the conditions upon which the provisions of this act shall become effective.

Also:

H. 762. Relating to Pickens County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the county revenue commissioner to the probate judge requiring an additional bond of the probate judge; providing for the payment of fees and commissions to the probate judge of the county, the distribution of the taxes to municipalities and the state, and the payment of commissions to the judge of probate; and defining terms.

Also:

H. 765. Relating to Perry County; providing for an expense allowance for members of the board of education and repealing Act No. 187, S. 134, 1971 2nd Special Session, (Acts 1971, p. 4448).

Also:

H. 767. Relating to Lawrence County; to rearrange the boundaries of the City of Moulton, so as to exclude from the corporate limits of said city certain territory within such limits.

Also:

H. 771. To amend Section 1 of Act No. 312, H. 461 of the 1973 Regular Session of the Legislature (Acts 1973, p. 443), relating to branch banking in Marion County, Alabama, so as to provide that any bank in Marion County shall be permitted to branch into any municipality in the county that does not presently have banking facilities.

Also:

H. 774. To provide the sheriff's department of Baldwin County with a specific number of employees, establish the rate of compensation for said employees and provide training of such employees.

Also:

H. 775. Relating to Baldwin County; to authorize the county commission, in its discretion, to appropriate funds from the county general fund to be expended by the sheriff to conduct investigations and to enforce the laws relating to the possession and sale of drugs and controlled substances.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 355. Be it resolved by the House of Representatives, that a motion in writing having been duly filed, that Rule 21A of the House of Representatives, is hereby revoked as it applies to H. B. 153 for the remainder of the 1982 Regular session of the Alabama Legislative Session.

#### MOTION TO ADOPT

Rep. Johnson (Roy) offered the motion to adopt the resolution, H. R. 355.

#### RESOLUTION TABLED

On motion of Rep. Cates, the resolution, H. R. 355, was tabled.

Yeas 54; Nays 31.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Dial, Dixon, Gafford, Gilmer, Gregg, Grouby, Hall, Hammett, Harper (T), Hines, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Moore, Naramore, Owens, Parker, Patton, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Trammell, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—54

*Nays:*

Reps. Amari, Bennett, Blake, Brakefield, Buskey, Cheatwood, Clark (W), Crow, Escott, Goodwin, Grimsley, Harper (O), Harrison, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Nevett, Olive, Reed, Smith (C), Smith (J), Turner, Warren and Wyatt.

—31

Also:

By Rep. Holley:

H. R. 356. Be it resolved by the House of Representatives, that a motion in writing having been duly filed, that Rule 21A of the House of Representatives, is hereby revoked as it applies to H. B. 153 for the remainder of the 1982 Regular session of the Alabama Legislative Session.

#### SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the resolution, H. R. 356:

It is noted that on this legislative day, a motion to suspend House Rule 21A to transmit H. B. 153 to the Governor has been made. The revoking of House Rule 21A on H. B. 153 shall be in effect for the remainder of this session of the Legislature. The revoking of House Rule 21A on House Bill 153 shall not be construed to place H. B. 153 in any jeopardy, to kill H. B. 153 or in any manner to impede its passage. The revoking of House Rule 21A on House Bill 153 shall not apply to any other bill to be considered by the Legislature during the 1982 Regular Session of the Legislature.

#### SUBSTITUTE TABLED

On motion of Rep. Cates, the substitute offered by Rep. Holley to the resolution, H. R. 356, was tabled.

Yeas 50; Nays 22.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (T), Hines, Johnson (R. G.), McKee, McMillan, Manley, Moore, Owens, Parker, Patton, Pegues, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Starkey, Stewart, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—50

*Nays:*

Reps. Albright, Bennett, Boles, Brakefield, Cobb, Cooley, Crow, Escott, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Nevett, Smith (C), Smith (J), Turner, Warren and Wyatt.

—22

#### H. R. 356 TEMPORARILY POSTPONED

On motion of Rep. Holley, the resolution, H. R. 356, was temporarily postponed.

#### BILLS ON SECOND READING

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 29. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

S. 405. Exempting from the state competitive bid laws purchases and contracts for services made by any state department or agency whose principal business is honorariums and whose annual appropriation from the legislature is less than seventy-five thousand dollars (\$75,000).

S. 418. To regulate the practice of Interior Design; to provide for the registration of qualified persons as professional Interior Designers; to create the Alabama State Board of Registration for Interior Designers; to provide for the appointment of its members; to fix the term of the members of the Board and to define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish the Interior Designer Fund; and to provide for the enforcement of this Act.

S. 374. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to provide for auditing; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

S. 322. (With Amendment): Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing body of Jefferson County and Tuscaloosa County and municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects.

The above bill was read a second time at length as required by the Constitution.

S. 315. (With Amendment): To create the Office of Air Transportation (hereinafter referred to as the Office); to centralize the maintenance, management, storage, usage, fueling, and operations of state owned aircraft; to designate the Act as the "Office of Air Transportation Act of 1982"; to provide a statement of legislative intent; to provide definitions; to provide for a director of the Office; to provide for other personnel for the Office; to provide for the transfer of property and funds from various state agencies which presently maintain and operate state aircraft and to provide for certain exceptions from the provisions of this Act; to authorize the Office to establish a state program of state aircraft operations and to set reasonable charges for the use and maintenance of state aircraft by other state agencies and departments; to provide for duties, powers and functions of the Office; to legislate appropriate funds; to create a revolving fund in the state treasury for the operations of the Office and to authorize the director to make deposits and expenditures from time to time as are necessary for the Office's operations; and to require annual reporting by the director of the Office's operations to the Governor and to the Legislature.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 254. To establish the "Alabama Dental Services Corporation Act"; to authorize the organization and operation of dental services corporations and to provide exceptions; to prescribe public regulation of such corporations; to prescribe certain bond and security deposits, working capital, contract and certificate forms; to prescribe procedures for subscription rates, requirements of charters, articles of incorporation and bylaws and amendments thereto; to require certain operational and financial reports; to make certain



insurance and criminal laws applicable to such corporations, including: Title 27, Chapters 1, 2, 4, 6, 8, 12 and 32, Title 13-A, Chapter 8, of the Code of Alabama 1975; to provide for requirements and eligibility of applicants and contracting sales agents, reporting and accounting of funds received, business and fiscal accountability and disclosures; to provide certain grounds and procedures for compulsory and discretionary revocation, suspension or refusal for registration for such agents; to authorize the assessment and collection of administrative fines in certain instances; to grant the commissioner of insurance and department of insurance certain powers, duties and responsibilities with respect to the supervision and regulation of such dental services corporations; to authorize the commissioner to formulate, issue and implement reasonable rules and regulations to carry out the provisions of the Act; to prescribe a time frame for certain actions to be made by the commissioner and department; to establish licensing requirements, fee requirements and the payment and disposition of such fees; to prescribe the mode of reviewing and mediating complaints; to authorize the department of insurance to make certain audits and examinations of such corporations; to prohibit any non-licensed or unauthorized persons, or persons who are not in compliance with the provisions of this Act, from using the phrase or functioning in dental services plans or otherwise hold themselves out as so authorized; to provide for such corporations existing prior to the passage of the provisions of this Act; to prescribe criminal penalties and punishment for violations of the provisions of this Act; and to provide an effective date.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 211. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 487. Relating to any Class 1 or Class 2 municipality, as defined by Section 11-40-12 of the Code of Alabama 1975, as amended; authorizing any such municipality to create a municipal dormitory building and renovation authority; authorizing the Authority to acquire, construct and equip self-liquidating projects consisting of buildings for dormitories and renovation of existing buildings for dormitories for any public institution of higher education; conferring powers and imposing duties on the Authority; providing for the appointment of members of the Authority; authorizing the issuance of revenue bonds of the Authority payable from the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; authorizing the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; providing that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of the Authority created by this Act; making such revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the State and by political subdivisions of the State; and fixing the venue for jurisdiction of actions relating to any provisions of this Act.

S. 462. Relative to Class 4, 5, 7 and 8 municipalities, to amend Section 9 of Act No. 79-722 to provide for the sale or lease of municipal property not needed for municipal or public purposes for use by a commercial enterprise in furnishing hotel services.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 344. To amend Section 32-6-7, Code of Alabama 1975, relating to persons ineligible for the issuance of driver's license for motor vehicles, so as to provide further therefor.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 459. Relating to Walker County; providing for an additional fee for the issuance of a pistol permit fee by the sheriff; providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

S. 494. Relating to Marshall County; levying an additional 1% lodgings tax to be used by the Marshall County Tourism Commission for the promotion of Marshall County as a tourist destination; providing that the state department of revenue shall collect such tax.

S. 509. Relating to Shelby County; to provide for an additional expense allowance for the Commission Chairman.

S. 518. Relating to DeKalb County; directing and requiring the county commission to provide for holding a referendum election relative to the distribution of the payments made in lieu of certain ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975 and directing the DeKalb County Commission to provide for the distribution of such funds in the manner approved by the majority of the voters at this referendum.

S. 519. Relating to DeKalb County; providing for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and providing for an effective date.

S. 531. To amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), relating to Shelby County and the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 517. (With Amendment): RELATING TO SCHOOL DISTRICT ONE, MADISON COUNTY; Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in School District One, Madison County, in order to raise funds

for the operation of the public schools in School District One, Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and prescribing the purposes for which such proceeds may be used.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 44. To provide that all teachers, administrative supervisory personnel, full time support employees, and adult school bus drivers at the Kate Duncan Smith High School in Grant, Alabama, shall, if they desire coverage, receive the hospital medical insurance supplement provided by the state for other such employees in the public schools of Alabama.

S. 145. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

S. 225. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

S. 236. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

S. 249. To re-open the State of Alabama Retirement Systems for certain membership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

S. 274. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the State Employees' Health Insurance Plan so as to extend eligibility for coverage to persons who are employed on a parttime basis by the State of Alabama and to provide for the payment of a pro rata portion of the premium costs by such employees.

S. 300. To authorize the Alabama Supreme Court to hire six staff attorneys and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 337. (With Amendments): To provide authority for the state board of education to establish a state-funded scholarship program for students in Alabama's public institutions of higher education who are seeking teacher certification in secondary mathematics, chemistry, physics or general science; provide that the state board of education shall receive a letter of commitment from scholarship recipients; and provide for conditional termination of the scholarship program.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 365. To authorize the Alabama State Docks Department to provide a retirement plan for various employees of the Alabama State Docks Department including but not limited to those employees employed by the Department pursuant to Section 36-26-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b)(9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and for the spouses and dependent children of such officers and employees, and to pay the premiums and costs of such life and health insurance from the revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans, to provide an effective date for this Act and repeal all laws in conflict therewith.

S. 386. To exempt from the payment of any and all state, county and municipal ad valorem taxes, the Board of Trustees of the Susie Parker Stringfellow Memorial Hospital established and created under the Last Will and Testament of Susie P. Stringfellow, deceased, and Stringfellow Memorial Hospital Non-Profit Realty Company, a nonprofit corporation, and all real and personal property of said Board of Trustees of said nonprofit corporation, to provide that any and all such ad valorem taxes which were, are or may be collected as the result of any assessment against said Board of Trustees or said nonprofit corporation, or any real or personal property of said Board of Trustees or said nonprofit corporation, shall be remitted to the entity which paid them and to provide that no action or proceeding for the collection or enforcement of any such ad valorem tax may be instituted against said Board of Trustees or said nonprofit corporation subsequent to its effective date.

S. 477. To make an appropriation for the fiscal year ending September 30, 1983 in the amount of Six million five hundred thousand dollars (\$6,500,000) from the monies initially transferred into The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses incurred prior to September 30, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 2. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

S. 422. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of certain probate judges so as to provide further for the minimum compensation for such officials.

S. 339. To amend Section 20-2-53, Code of Alabama, 1975, to provide for an appeal of any action of a certifying board denying, suspending or revoking a registration or refusing the renewal of a registration whether or not such suspension, revocation, or registration is limited; to specify the procedure for taking such an appeal including the time within which a petition for review must be filed; to provide that the venue for an appeal shall be in the Circuit Court of Montgomery County; to provide that the Circuit Court is specifically authorized to exercise its own discretion as to questions of fact as well as law; to provide that the effect of a certifying board's order shall be stayed pending the Circuit Court's determination of the case; to provide for an appeal from the judgment of the Circuit Court; to provide that a decision of the Circuit Court shall not be stayed or held in abeyance pending further appeal; and to provide that the provisions of this act shall take precedence over the provisions of the Alabama Administrative Procedure Act.

S. 387. To provide for a minimum salary for county commissioners and chairmen of county commissions.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 682. To authorize the creation of a public corporation in Bayou La Batre, Mobile County, Alabama, which shall have the power to construct, lease, build, install, acquire, own, operate, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial sites, industrial and factory buildings and the necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; to prescribe the duties and powers of such public corporation, including but not limited to, the power to enter into contracts or agreements with persons, firms or corporations, public or private, with the United States of America or with any of its agents or departments as well as with the various states and the subdivisions and municipal corporations thereof; to authorize the issuance of revenue bonds and revenue refunding bonds payable from the revenues of authorized projects, to pay the cost of such projects; exempting such bonds and the property of the corporation from taxation; and providing that no debt of a state, political subdivision or any municipality thereof shall be incurred in the exercise of any of the powers granted by this act.

Also:

H. 752. Relating to Cherokee County; to provide for the construction, repair and maintenance of County Roads as a unit without regard to District or Beat lines.

Also:

H. 778. Relating to Mobile County; amending further section 1 of Act No. 80-342, H. 917, 1980 Regular Session (Acts 1980, p. 464) relating to an idle speed zone for boats on Halls Mill Creek, so as to provide that the Alabama Marine Police shall erect signs to indicate such zone.

Also:

H. 791. Relating to Fayette County; to establish a special fund in the county treasury to pay a bounty to any resident of Fayette County on certain beaver trapped or killed in Fayette County; to provide for the administration of said fund and bounty system; and to prescribe punishment for any person found guilty of falsely making claim for a bounty.

Also:

H. 308. Relating to the city of Chickasaw; providing, after notice is given, for the removal or demolition of buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body upon request; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

Also:

H. 661. To authorize the Mobile County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 557. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Notasulga, in Macon and Lee Counties.

Also:

H. 641. To establish minimum age requirements for admission into Mobile County Public Kindergartens.

Also:

H. 792. Relating to Fayette County; to provide for the expense allowance of Board of Education members; to repeal all prior laws providing for the compensation of Board Members; and to provide for the location of board meetings.

Also:

H. 793. Relating to Fayette County; to provide that 10% of all funds accruing to Fayette County or any municipality therein from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, shall be transferred to the county education department to be used for additional classroom supplies and equipment and certain capital outlay purposes, and to provide for the method of distributing said money.

Also:

H. 795. Relating to Lamar County; to provide for the expense allowance of board of education members; to repeal all prior laws providing for the compensation of board members; and to provide for the location of board meetings.

Also:

H. 797. Relating to Lamar County; to alter the compensation of the members of the county commission.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 809. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for service of summoning witnesses and summons and complaints in Henry County so that such service and subpoenas may be by United States mail in the county under certain conditions.

Also:

H. 815. Relating to Macon County; to authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Macon County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Also:

H. 800. Relating to Calhoun County; amending Act No. 274, H. 990, Regular Session 1975 (Acts 1975, p. 809), which relates to the civil service board, so as to allow department heads to choose from a greater number of applicants on the list furnished by the board.

Also:

H. 801. Relating to Morgan County; to provide for the adoption and publication of certain motor vehicle weights and limits, which shall be deemed as adequate notice for purposes of penalizing offenders.

Also:

H. 802. Relating to Morgan County; to authorize the county to contract with any municipality within Morgan County and any municipality within Morgan County to contract with Morgan County to lease or sell to each other used equipment and/or other materials or items used or usable by counties and municipalities and to make street signs and sell the same to municipalities all without advertising for bids.

Also:

H. 807. Relating to Russell County; providing for the districts and election of the members of the county board of education.

Also:

H. 817. Relating to Fayette County; to alter the compensation of the members of the county commission.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. White (With Notice and Proof):

S. 527. To amend subsection (e) of Section 14 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pages 717-739) which said Act No. 497 established a pension system for officers and employees of Jefferson County, which said Section 14 was last amended by Act No. 1060 of the Regular Session of the Legislature of Alabama of 1981.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 527, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Hilliard (With Notice and Proof):

S. 534. Relating to Jefferson County; providing further for an additional expense allowance of the tax assessor, payable from the general fund of the county; providing for retroactive effect and an expiration date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 534, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Bailey (With Notice and Proof):

S. 532. Relating to Barbour County; to provide further for the expense allowance of the coroner.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 532, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. McDonald (With Notice and Proof):

S. 536. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Madison in said County to regulate and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within



said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises, and providing for penalties.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 536, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 527. Local Legislation No. 2.

S. 534. Local Legislation No. 2.

S. 532. Local Legislation No. 1.

S. 536. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Keener, Callahan and deGraffenried:

S. 428. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Also:

By Mr. Callahan:

S. 468. Proposing an amendment to the Constitution of Alabama prescribing certain procedures that will allow proposed constitutional amendments which affect or apply to only one county to be adopted as an amendment to the constitution by a majority vote of the people of the county affected, provided that such proposed amendment has first been unanimously approved by a local constitutional amendment commission and then subsequently approved by a majority of the electors in the county affected.

Also:

By Mr. Little:

S. 479. To amend Section 11-89A-2, 11-89A-8, and 11-89A-13, Code of Alabama 1975, relating to the organization of disposal authorities by counties and municipalities so as to redefine the term "solid waste," to prohibit infringements upon private sales of recyclable

materials; and to require certain solid waste authorities to have a resource recovery facility in operation within a certain time period.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 428. Highway Safety.

#### SENATE MESSAGE

The Senate Bill, S. 468, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Constitution and Elections.

#### SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 479. Health.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. White:

S. 109. To establish and fix minimum salaries of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State; to abolish the fee system of compensation of such officials presently on a fee system; to provide for the method of payment of the salaries herein established; to provide for the personnel and other expenses necessary to the operation of such officials' offices; to provide that employees of the officials herein converted from a fee to a salary basis of compensation may continue their employment provided such employment commenced prior to passage of the Alabama Ethics Act; to provide for the payment of the fees, commissions and allowances paid to such officials presently on a fee system to be paid into the treasury from which their salaries are paid; to repeal all laws in conflict; and to establish the effective date of this Act.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 109. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Bailey:

S. 106. To amend Section 27-4-2, Code of Alabama, 1975, to provide for an increase in certain fees, licenses and miscellaneous charges.

Also:

By Mr. Gullledge:

S. 333. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

Also:

By Messrs. Bailey, Miller, Kirkland, Parsons, Little, Harrison, Robertson, Hilliard and Figures:

S. 446. To provide a salary increase by the State for the official court reporters, payable from the general fund of the state treasury; and to provide an effective date.

Also:

By Mr. Denton:

S. 45. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said sections so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 106. Ways and Means.

S. 333. Banking.

S. 446. Ways and Means.

S. 45. Ways and Means.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment.

By Mr. Weeks:

S. 502. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

Also:

By Messrs. Higginbotham and Little (With Notice and Proof):

S. 511. Relating to local sales and use taxes in Lee County, Alabama, and amending Act No. 81-553 enacted at the 1981 Regular Session of the Legislature of Alabama so as to provide further for the levy and collection of the special county privilege, license and excise taxes authorized by said Act No. 81-553 to be levied and collected by Lee County, Alabama, for the administration of said Act No. 81-553, and for the use of the proceeds from said taxes; authorizing the governing body of Lee County, Alabama, to levy and collect special county privilege, license and excise taxes generally paralleling the state sales and use taxes levied by Act No. 81-665 enacted at the 1981 Regular Session of the Legislature of Alabama on sales of automobiles and other vehicles other than at wholesale by persons other than licensed dealers; providing for the collection of such taxes and the use of the proceeds therefrom; and repealing Act No. 81-918 enacted at the 1981 First Special Session of the Legislature of Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 511, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Messrs. Britnell and Denton (With Notice and Proof):

S. 545. Relating to Franklin County; providing further for the compensation of the probate judge and providing for an effective date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 545, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Messrs. Britnell and Denton:

S. 546. To propose an amendment to the Constitution of Alabama of 1901 relating to court costs and the compensation of the judge of probate of Franklin County.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bill, S. 502, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 511. Local Legislation No. 1.

S. 545. Local Legislation No. 1.

SENATE MESSAGE

The Senate Bill, S. 546, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Higginbotham:

S. J. R. 250. BE IT RESOLVED BY BOTH HOUSES thereof concurring that when we adjourn today that we adjourn to meet again on Monday, April 19, 1982.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

Rep. Johnson (Roy) offered the motion to suspend the rules and concur in and adopt the resolution, S. J. R. 250, set out in the above and foregoing Message from the Senate.

RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Manley, the resolution, S. J. R. 250, was temporarily postponed.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 357. BE IT RESOLVED That when the House adjourns today, Thursday, April 15, 1982, it adjourns to meet at 5:00 p.m. on Monday, April 19, 1982.

## MOTION TO SUSPEND RULES AND ADOPT

Rep. Manley offered the motion to suspend the rules and adopt the resolution, H. R. 357.

## RESOLUTION TABLED

On motion of Rep. Johnson (Roy), the resolution, H. R. 357, was tabled.

Yeas 48; Nays 41.

*Yeas:*

Reps. Adams (C), Amari, Bennett, Blake, Boles, Buskey, Carothers, Cates, Cheatwood, Clark (W), Cobb, Crow, Daniels, Dixon, Escott, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Naramore, Nevett, Olive, Penry, Sandusky, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Warren, Whatley, Wyatt and Zoghby.

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*Nays:*

Mr. Speaker, Adams (H), Barton, Bedsole, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Coburn, Cooley, Cosby, Dial, Edwards, Gafford, Gregg, Grouby, Hall, Harper (T), Harvey, Hines, McKee, McMillan, Manley, Minus, Moore, Owens, Parker, Patton, Pegues, Rains, Riddick, Roberts, Sasser, Shoemaker, Smith (M), Stout, Waggoner, Ward, Williams and Willis.

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## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Little and Kirkland:

S. J. R. 243. URGING THE AUBURN BOARD OF TRUSTEES TO CONSIDER NAMING A BUILDING ON CAMPUS FOR ROBERT BRYANT STRONG.

WHEREAS, this body notes with great sadness the tragic death of Mr. Robert Bryant Strong of Auburn, Alabama, on April 6, 1982; and

WHEREAS, we wish to honor the memory of this gentleman who so generously served his community of Auburn and Auburn University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge the Board of Trustees of Auburn University to consider naming, or jointly naming, a building on the Auburn campus, particularly the existing Mary Martin Hall, for Mr. Robert Bryant Strong in order to honor his memory.

FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Board of Trustees of Auburn University.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 243, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Lemaster and Bailey:

S. J. R. 246. REQUESTING THE STATE DEPARTMENT OF REVENUE TO IMMEDIATELY CEASE COLLECTION OF STATE SALES TAX ON FEES CHARGED BY PUBLIC GOLF COURSES.

WHEREAS, the Alabama State Department of Revenue currently is collecting a sales tax on such fees as membership dues and cart rentals charged by certain public golf courses in Alabama; and

WHEREAS, these taxes are being collected despite the fact that a sales tax is not being collected on the membership dues and cart rental fees charged by private courses in the state; and

WHEREAS, there is now a case pending within the Alabama Court System to adjudicate this matter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the Department of Revenue of the State of Alabama to immediately cease collection of state sales tax now being charged on the membership dues and cart rental fees at public golf courses until such time that a judicial decision has been rendered on this question pending in the court.

BE IT FURTHER RESOLVED, That by copy of this resolution the Secretary of the Senate is directed to inform the Director of the State Revenue Department of this directive of the Legislature.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 246, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Mitchem:

S. J. R. 240. DECLARING THE WEEK OF MAY 30-JUNE 5, 1982, "ALABAMA POULTRY WEEK".

Also:

By Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White:

S. J. R. 241. MOURNING THE DEATH OF DOCTOR EMMETT T. BRUNSON, PROMINENT ENTERPRISE PHYSICIAN AND A DISTINGUISHED ALABAMIAN.

Also:

By Mr. Pearson:

S. J. R. 245. COMMENDING CRIMSON TIDE BASKETBALL STAR, EDDIE PHILLIPS, OF BIRMINGHAM, ALABAMA.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 240, S. J. R. 241 and S. J. R. 245, the titles of which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Goodwin:

S. J. R. 251. COMMENDING GORDON R. SHEWMAKE, ALABAMA STATE COMMANDER OF THE VETERANS OF FOREIGN WARS.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 251, the title of which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 798. Relating to Barbour County; providing for a salary supplement for the district attorney.

McDOWELL LEE,  
Secretary.



SENATE MESSAGE

On motion of Rep. Ray, the House concurred in and adopted the Senate amendment to the bill, H. 798, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Barbour County; providing for a salary supplement for the district attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon the effective date of this act, the district attorney may, at the discretion of the county commission, receive a supplemental salary, payable in equal monthly installments from the general fund of Barbour County, in an amount equal to fifteen percent of the prevailing salary paid to circuit judges by the state. Such supplement may be paid in addition to all other supplemental or expense payments heretofore authorized by law for such district attorney.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 37; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Brakefield, Carter, Cheatwood, Cobb, Daniels, Dixon, Drinkard, Ford, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (T), Harvey, Higginbotham, Howard, Langford, McKee, Moore, Rains, Ray, Sasser, Seibels, Starkey, Stewart, Trammell, Turner, Venable, Warren, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 798 as amended, was again read at length and passed.

Yeas 49; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cobb, Crow, Daniels, Dixon, Drinkard, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Higginbotham, Holley, Howard, Langford, McKee, McMillan, Moore, Nevett, Olive, Penry, Rains, Ray, Sasser, Seibels, Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 706. To Authorize and make provision for the incorporation in the City of Dothan of the Dothan Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Dothan; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental

bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Carothers, the House concurred in and adopted the Senate amendment to the bill, H. 706, said Senate amendment being as follows:

The title to H. B. 706 IS HEREBY AMENDED, ON Page 3, Line 33 to change the period after the word "election" to a semicolon and to insert the following:

"To require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority; to require compliance with the competitive bid law with respect to any projects receiving public funds; and to require a public hearing prior to the expenditure of any public funds."

H. B. 706 is hereby amended, in Section 8, Page 10, Line 14 by adding the following new sentences at the end:

"Prior to receipt by the Authority of any tax revenues from the City, any county, state or federal governments, the treasurer of the Authority shall provide evidence to the governmental entity from which the funds are to be received of procurement of a fidelity bond in an amount equal to or greater than the amount of tax funds to be received and that the company issuing the bond is qualified to issue fidelity bonds in the State of Alabama."

H. B. 706 is hereby amended, in Section 17, Page 20, Line 15 by changing the period appearing after the word "amended" to a semicolon and inserting thereafter the following:

"Provided, however, that the Authority shall comply with the laws of the State of Alabama requiring competitive bids for any contract made by it to be paid for with tax revenues received from the City, any county or the state or federal governments."

H. B. 706 is hereby amended, in Section 18, Page 20, Line 26 to insert the following sentences at the end:

"The Authority shall hold a public hearing before approving or obligating the expenditure of any tax revenues received by the Authority from the City, any county, the state or federal governments. Such notice shall be advertised in a newspaper of general circulation in Houston County, Alabama and the notice shall be published not less than seven days prior to the hearing."

Yeas 50; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Biddle, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Daniels, Dixon, Drinkard, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Higginbotham, Holmes, Langford, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Penry, Rains, Ray, Roberts, Sasser, Seibels, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—50

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 706. To Authorize and make provision for the incorporation in the City of Dothan of the Dothan Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Dothan; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances

such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; To require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority; to require compliance with the competitive bid law with respect to any projects receiving public funds; and to require a public hearing prior to the expenditure of any public funds.

As thus amended, was again read at length and passed.

Yeas 53; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Daniels, Dixon, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holmes, Horn, Howard, Jackson, Langford, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Penry, Rains, Ray, Roberts, Sasser, Seibels, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—53

### H. 306 TEMPORARILY POSTPONED

On motion of Rep. McMillan, the bill, H. 306, was temporarily postponed.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 216. Relating to Mobile County; to alter or rearrange the boundary lines of the Town of Creola.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Turner, the House concurred in and adopted the Senate amendment to the bill, H. 216, said Senate amendment being as follows:

Amend H. 216 by changing the period after the word "beginning" on page 2, line 25 to a semicolon, and adding the following at the end of Section 1:

"Less and except the Southeast Quarter of Southeast Quarter of Section 36, Township 1 South, Range 1 West, Mobile County, Alabama, such lands consisting of 40 acres more or less."

Yeas 7; Nays 0.

*Yeas:*

Reps. Bedsole, Buskey, Clark (W), Harper (T), Stewart, Turner and Zoghby.

—7

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 216, as amended, was again read at length and passed.

Yeas 11; Nays 0.

*Yeas:*

Reps. Bedsole, Brakefield, Buskey, Clark (W), Grimsley, Harper (T), Kennedy, Roberts, Stewart, Turner and Zoghby.

—11

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, with certain modifications; to amend sections 34-17-24 and 34-17-25, so as to increase fees and penalties to allow for increased costs of administration of the board.

said Conference Report being in words and figures as follows:

#### REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL 115

We, the Committee of Conference appointed to reconcile the differences of the two houses concerning Senate Bill 115, have met in conference and have agreed to the attached report.

JOHN TEAGUE,

MAC PARSONS,

G. J. "DUTCH" HIGGINBOTHAM,

Conferees on the part of the Senate.

DUANE LEWIS,

W. F. (NOOPIE) COSBY, JR.,

SETH HAMMETT,

Conferees on the part of the House.

#### A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in

sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, with certain modifications; to amend sections 34-17-24 and 34-17-25, so as to increase fees and penalties to allow for increased costs of administration of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Examiners of Landscape Architects, and voted to recommend the continuance of the board created and functioning pursuant to sections 34-17-1 through 34-17-27, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Examiners of Landscape Architects, created and functioning pursuant to sections 34-17-1 through 34-17-27 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-17-24 and 34-17-25 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 34-17-24. (a) Every landscape architect shall pay an annual license fee to the board. The fee shall be due and payable on the first day of January of each year and shall become delinquent after the thirty-first day of January.

"(b) If the annual license fee is not paid before it becomes delinquent a penalty of \$10.00 \$50.00 shall be added to the amount thereof per year.

"(c) If the annual license fee and penalty are not paid before the thirtieth day of June in the year in which they become due, the landscape architect's certificate shall be suspended from and after the expiration of 30 days from the date of mailing of notice of such delinquency by registered or certified mail, return receipt requested, postage prepaid and addressed to the landscape architect at his address as it appears on the records of the board. The notice of delinquency shall state that upon the expiration of time herein allowed his certificate will be suspended unless, within said time, the annual license fee and penalty are remitted.

"(d) After the certificate has been suspended, it may be reinstated upon the payment of the annual license fee and such proof of the landscape architect's qualifications as may be required in the sound discretion of the board.

"(e) The board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee.

"§ 34-17-25. The fees prescribed by this chapter shall be in the following amounts:

"(1) The application fee for examination is \$50.00 \$125.00.

"(2) The fee for an original certificate is \$25.00 \$35.00.

"(3) The fee for a temporary certificate is \$25.00 \$100.00.

"(4) The fee for a duplicate certificate is \$10.00 \$20.00.



"(5) The annual license fee is \$25.00 \$50.00.

"(6) The penalty fee is \$50.00, as provided in section 34-17-24 of this chapter."

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, S. B. 115, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Hammett, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 115, said report being set out in the above and foregoing Message from the Senate.

Yeas 41; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Bennett, Brakefield, Carter, Cheatwood, Clark (G), Clark (W), Crow, Daniels, Dixon, Drinkard, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Higginbotham, Holmes, Horn, Langford, McKee, Manley, Mitchell, Moore, Naramore, Nevett, Riddick, Roberts, Sasser, Seibels, Starkey, Turner, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—41

*Nays:* Reps. Harrison and Whatley.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, with certain modifications; to amend sections 34-17-24 and 34-17-25, so as to increase fees and penalties to allow for increased costs of administration of the board.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 36; Nays 1.

*Yeas:*

Reps. Bedsole, Bennett, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Crow, Daniels, Dixon, Goodwin, Hammett, Harper (T), Higginbotham, Holmes, Horn, McKee, Manley, Mitchell, Naramore, Nevett, Ray, Reed, Riddick, Roberts, Seibels, Smith (C), Starkey, Turnier, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—36

*Nay:* Rep. Harrison.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### S. 129 TEMPORARILY POSTPONED

On motion of Rep. Sandusky, the bill, S. 129, with Report of the Committee on Conference was temporarily postponed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

said Conference Report being in words and figures as follows:

#### A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Plumbers Examining Board, and voted to recommend the continuance of the board created and functioning pursuant

to Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Plumbers Examining Board, created and functioning pursuant to Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), are hereby continued.

Section 4. The title and Section 1 of Act No. 529, H. 977, 1949 Regular Session, (Acts 1949, p. 827) are hereby amended to read as follows:

"An Act To apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census than 100,000 or more according to the 1940 federal decennial census, and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in the State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon and duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said Board; and to provide penalties for the violation of this act.

"Section 1. DEFINITIONS AND SCOPE. This Act shall apply only in counties of this State having a population of not less than 100,000 or more 140,000 according to the last or any subsequent Federal census according to the 1940 federal decennial census. 'Plumbing,' as used in this Act, is the installation, repair or replacement of pipes, fixtures, or other apparatus necessary either for supplying water or for removing liquid or waterborne waste. The term is also used to denote installed fixtures, drainage, vents, and water distribution systems. A 'master plumber,' within the meaning and for the purpose of this Act, shall be held to mean and to include any person, firm or corporation engaged in or proposing to engage in the business of contracting to do or superintending the installation of plumbing, either or both, but if such applicant for registration be an individual, he must either qualify himself to be a licensed master plumber or must continually keep in his active employ a duly registered and licensed master plumber, and, if such licensee be a firm or corporation, at least one active member of such firm or corporation, must be a duly registered master plumber, actively, continuously connected with the conduct of said business.

"A 'journeyman plumber' within the meaning of this Act is any person, other than a master plumber, who engages in or works at the actual installation, alteration, repair and renovation of plumbing and who has successfully fulfilled the examination and requirements of the board."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, S. B. 132, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Rep. Whatley offered the motion that the House non-concur in the report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 132, said report being set out in the above and foregoing Message from the Senate, and requested a new Committee on Conference be appointed.

#### MOTION TO TABLE LOST

The motion offered by Rep. Boles to table the motion to non-concur offered by Rep. Whatley, was lost.

Yeas 8; Nays 11.

*Yeas:*

Reps. Barton, Clark (W), Dixon, Moore, Olive, Owens, Parker and Pegues.

—8

*Nays:*

Reps. Bennett, Boles, Cheatwood, Ford, Holley, Howard, Jackson, Johnson (Roy), Nevett, Seibels and Trammell.

—11

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO NON-CONCUR ADOPTED

The question was then on the motion offered by Rep. Whatley that the House non-concur in the Report of the Committee on Conference on the bill, S. 132, and request a new Committee on Conference, and the motion to non-concur was adopted.

Yeas 19; Nays 0.

*Yeas:*

Reps. Bedsole, Clark (W), Dixon, Ford, Grouby, Harper (T), Harrison, Horn, Howard, Moore, Nevett, Olive, Pegues, Seibels, Smith (C), Stewart, Trammell, Turner and Warren.

—19

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

COMMITTEE APPOINTED

The Speaker appointed as a new Committee on Conference on the part of the House Reps. Dial, Pegues and Whatley.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 261. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Barber Examiners as presently provided in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975; with certain modifications; to repeal said Sections 34-5-1 through 34-5-16, and to provide for the board of barbering and the regulation of the practice of barbering and teaching of barbering as provided for in the provisions of law in Section 4 hereof.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE  
ON SENATE BILL 261

We, the Committee of Conference appointed to reconcile the differences of the two houses concerning Senate Bill 261, have met in conference and have agreed to the following report:

Continue the State Board of Barber Examiners as set forth by the Substitute passed by the Senate with a Conference Committee modification, both of which are attached and incorporated as part of this report.

The modification is as follows: Delete Section 5, page 13, lines 14, 15 and 16 and insert in lieu thereof the following new Section 5:

Section 5. Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975 are hereby expressly repealed and superseded. All other laws or parts of laws in conflict herewith, except Act No. 661, H. 978, 1951 Regular Session (Acts 1951, p. 1125), as amended, are hereby repealed.

BOB HALL,

BOBBY DENTON,

DEWEY WHITE,

Conferees on the part of the Senate.

DUANE LEWIS,

WAYNE COBB,

CHARLES WHATLEY,

Conferees on the part of the House.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Barber Examiners as presently provided in

Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975; with certain modifications; to repeal said Sections 34-5-1 through 34-5-16, and to provide for the board of barbering and the regulation of the practice of barbering and teaching of barbering as provided for in the provisions of law in Section 4 hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Barber Examiners, and voted to recommend the continuance of the board presently created and functioning pursuant to Sections 34-5-1 through 34-5-16, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the State Board of Barber Examiners, presently created and functioning pursuant to Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, are hereby continued.

Section 4. The following bill, when enacted by the passage of this act, shall replace the provisions of Title 34, Sections 34-5-1 through 34-5-16, Code of Alabama 1975:

A BILL  
TO BE ENTITLED  
AN ACT

"Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

Be It enacted by the Legislature of Alabama:

"Section 1. 'The Practice of Barbering' as used in this act is hereby defined to mean any one or combination of the following practices, when done upon the human body above the seventh cervical vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, directly or indirectly or without payment for the public generally.

"Section 2. There is hereby created the Alabama Board of Barber Examiners, hereinafter referred to as 'board' or 'state board,' to consist of five (5) persons. Those individuals currently serving on the Alabama Board of Barber Examiners shall continue to serve until their terms are completed, and thereafter the Governor shall appoint members to the board for a term of four (4) years and until their successors are appointed and qualified. At the first meeting of the board under the provision of this act, the members shall divide the state into three districts and shall select three of their number to be representatives from each district. The remaining two members shall serve as members at large. The districts should be drawn so that they are as nearly as practical of equal population and should divide the state into a northern, a middle and a southern district. No more than two (2) members of the Barber commission shall be from any one district. Each member of the

said board shall be a practicing registered barber, who has followed the occupation of barbering for five continuous years in Alabama prior to his appointment. Vacancies caused by death, resignation or otherwise shall be filled by the remaining members of the board. Members appointed to fill vacancies shall serve for the unexpired term of their predecessors. The board is hereby empowered to promulgate and amend rules and regulations for the registration, licensing, inspection, qualification, certification, examination, the renewal of registration, and the renewal of licenses of barbers, those who employ barbers, apprentice barbers, student barbers, barber shops, barber colleges, barber schools and to provide for courses and the duration thereof for the instruction of student barbers. Provided, however, no course of instruction for student barbers shall be less than fifteen hundred hours in duration. The board may from time to time promulgate any other rules and regulations it deems necessary and which are compatible with the provisions of this act and state health department regulations. The members of the board shall annually elect from its membership a chairman and a vice-chairman and shall appoint an executive secretary. The board shall be empowered to employ adequate personnel to properly enforce the provisions of this act. The compensation of said personnel shall be paid out of the funds received by the board. All employees of the board shall serve at the pleasure of the board. The executive secretary and all employees that handle money, before entering upon the discharge of their duties, shall file with the treasurer of the state of Alabama, a good and sufficient bond in the amount of \$10,000, payable to the state of Alabama, to ensure the faithful performance of their duties and the premium on such bond shall be paid out of the funds of the board. The executive secretary of the board shall be paid a salary as determined by the board, to be paid semimonthly and shall be reimbursed on necessary travel expenses and other incidental expenses incurred in the discharge of his official duties, when properly vouchered and authorized by the board. Each member of the board shall receive compensation fixed by the board, not to exceed \$60.00 per diem while engaged in the discharge of official duties, and necessary expenses plus mileage as set forth by the state of Alabama for necessary travel incurred in such official duties, not to exceed 30 days in any one calendar year. The compensation and expenses as herein provided and other expenses authorized by this act shall be paid from the fund derived from the operations of this act. The initial meeting of the board under the provisions of this act shall be on the second Monday in July, 1981. Thereafter, the board shall meet in the City of Montgomery during the month of January, April, July, and October on a day to be determined by board resolution, and at such other times and places that the Board may direct. The majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its acts. The board shall keep a permanent record of its proceedings, rules and regulations. It shall keep a register of applications for certificates or licenses showing the names and locations of the applicants' places of occupation or business and whether such applicants were granted or refused licenses. The books and records of the board shall be prima facie evidence of the matters therein contained, which constitutes public records and shall at all reasonable times be open for public inspection. The state board of barber examiners shall work with, seek the advice of and cooperate with the state health department on all matters of sanitation in regard to inspection of barber shops, barber schools and barbers in the state of Alabama. The state board shall work with, seek the advice of and cooperate with the state department on matters of establishing education curricula for applicants for barber schools or apprentice licenses or for a certificate as a journeyman barber.

"Section 3. The board shall have the power to refuse, revoke and suspend licenses and certificates under its rules and regulations and in accordance with the provisions of this act upon proof of violation of any sections of this act. The members of the board shall have the power to administer oaths and shall have the power to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing on any matter which the board has the authority to investigate, and for that purpose may require the secretary of the board to issue a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witness resides or may be found; such subpoenas shall be served and returned in the same manner as subpoenas in a criminal case are served and returned. The fees and mileage of the sheriff and witnesses shall be the same as allowed in the circuit courts of this state. Such fees and mileage shall be paid from the fund of the board on deposit in the treasury for the use of the board in the same manner as other expenses of the board are paid. The board must subpoena all witnesses from whom subpoena is requested by the applicant, licensee or holder of a certificate; provided, however, that such request shall be made in writing to the secretary of the board at least 10 days prior to the date set for the hearing. All fees and mileage of the sheriff and witnesses subpoenaed at the request of such applicant, licensee or holder of a certificate shall be paid by the applicant, licensee or holder of a certificate and execution may issue therefore in civil cases in the circuit courts of this state. The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall be guilty of unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this act. Provided, however, the board shall not on any of the grounds in this section states, refuse to issue or renew any license or certificate, nor shall it revoke or suspend any such license or certificate already issued, except after hearing, of which applicant or licensee or the holder of the certificate affected shall be given at least 20 days notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate or registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe, provided, however, that such hearing must be held in the county in which such applicant, licensee or holder of a certificate has his or her place of business. Findings made by the board shall be deemed conclusive, unless within thirty (30) days after notice of the decision of the board has been given, an aggrieved party shall appeal said findings or ruling to the circuit court of the county of his residence, or to the circuit court of Montgomery County. In the event of such appeal, the circuit court shall hear the same de novo. Such appeal shall be taken by the filing with the board and the clerk of the circuit court of a petition stating the aggrieved person's desire to appeal said findings, and said petition shall specify whether the appeal is taken to the circuit court of the county of his residence or to the circuit court of Montgomery County. Such aggrieved person shall have a right to demand trial by jury by demanding same at the time of the filing with the board of the notice of appeal. The action of the board shall be stayed pending such appeal. The



circuit court shall have the right to affirm, reverse or affirm in part, or reverse in part, the finding of the board and shall render such final judgement as to the court may seem just and proper. In the event the decision of the board is affirmed, the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the board is not affirmed in whole, the court shall in its discretion tax such cost of appeal against the board or against the person taking such appeal or partly against each; and the court in its discretion may award a reasonable attorney fee to the attorney for the party taking such appeal as part of such cost, in the event the decision of the board is not affirmed in whole.

"Section 4. (a) No person shall engage in the practice of barbering without a certificate of registration as a registered barber, issued by the board of barber examiners.

"(b) No person shall permit any person in his employ or under his supervision or control to practice as a barber or as an apprentice unless the latter has a certificate of registration as a registered barber or apprentice, issued by the board of barber examiners.

"(c) No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber who is engaged in barbering full time in the same shop.

"(d) No registered apprentice may independently practice barbering, but he may as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, who is engaged in barbering full time in the same shop. No barber shop will have more than three apprentice barbers at one time.

"(e) Students in certified barber colleges may perform acts including the practice of barbering, but only as part of their clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the student is not a registered barber or apprentice, but only a student in training.

"(f) Students entering barber school must register with the board of barber examiners and furnish a current health certificate, and pay an application fee of five dollars (\$5.00).

"(g) The examination of applicants for a license to practice a classified profession as designated under this act shall be conducted under the rules prescribed by the board of barber examiners and shall include both practical demonstrations, written and oral tests in reference to the practices for which a license is applied and such related studies as subjects for which a license is applied and such related studies or subjects as the board may determine necessary for the proper and efficient performance of such practices.

"Section 5. (a) Any person who can establish within six (6) months after the passage of this act that he is a barber or an apprentice as defined under this act and can establish reasonable proof that he is practicing barbering in a barber shop under sanitary conditions will be given a certificate to practice barbering or apprentice certificate without any examination upon paying the required fees as prescribed by this act. This section shall not be construed to mean anyone except the barbers now practicing in the state of Alabama and instructors in barber colleges.

"(b) All instructors operating under the state vocational schools shall be exempt from qualifying fees. Such instructors shall receive an instructor's

certificate by paying the annual renewal fee as prescribed in this act. All future instructors shall be subject to all provisions of this act relating to instructors or assistant instructors.

"(c) All state operated barber colleges shall be exempt from fees.

"Section 6. The holder of a certificate or license issued by said board as provided by this act, who continues in active practice of said profession within the meaning of this act, shall on or before the first day of January each year renew his or her certificate or license and pay the renewal fee. A certificate or license which has not been renewed prior to the 31st day of January of that year shall expire on the 1st day of February of that year. The holder of the expired certificate or license may have within three (3) years of the date of expiration the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to resume practice or profession.

"Section 7. Any person, firm or corporation that engages in any of the practices designated to be within the meaning of this act, or acts without a certificate or license in any capacity wherein a certificate or license is required as provided in this act, or shall in any other manner violate any of the provisions of this act shall be guilty of Class B misdemeanor and shall be punished as provided by law. After official notice of such violation, each day of operation or practice constitutes a separate violation.

"Section 8. The various fees to be paid by the applicants for original registration, original license, annual renewals and examinations as required under this act shall be as follows:

"(1) For an examination to determine the qualification of an applicant, not to exceed \$20.00;

"(2) for an examination to determine the qualification of an applicant from another state, not to exceed \$50.00;

"(3) for an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor or assistant instructor not to exceed \$30.00;

"(4) for the issuance of the initial certificate to operate a barber college, not to exceed \$300.00;

"(5) for annual renewal of an instructor's or assistant instructor's certificate, not to exceed \$30.00;

"(6) for each annual renewal of a certificate to operate a barber college, not to exceed \$150.00;

"(7) for the restoration of an expired certificate except for a barber college, not to exceed \$15.00;

"(8) for the restoration of an expired certificate for a barber college, not to exceed \$75.00;

"(9) for annual license for barber shop, not to exceed \$20.00, and \$10.00 for each additional barber or apprentice in said shop and annual barber certificate \$20.00; and

"(10) for issuance of any duplicate certificate, \$3.00.

"Every holder of a certificate of registration shall display same in a conspicuous place adjacent to or near his work chair in his place of employment.

"Section 9. All money, funds and other receipts received by the board shall be deposited in a depository which shall be a bank within the state designated by the board. Such funds shall be expended for carrying out the purpose of the act and may be withdrawn on order of the executive officer of the board. All such money and funds and other receipts are hereby appropriated for use of the board for the necessary and proper expenses of the board and for carrying out the purposes of this act. The accounts of the board shall be examined annually by the office of the chief examiner of public accounts of the state of Alabama.

"Section 10. The provisions of this act and the rules and regulations established by the board under this act shall apply throughout the state. This act shall not repeal any provisions of the public health laws, the state sanitary code, or any local acts, or general acts of local application, or municipal ordinances, where the provisions thereof have standards, qualifications and requirements for the practice of barbering, the operation of barber shops or barber colleges equal to or higher than those provided herein, and such laws, codes, acts or ordinances shall remain in their entirety in full force and effect. Provided, however, that all other laws or parts of such laws in conflict with this act are hereby repealed.

"Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 5. All laws or parts of law in conflict herewith are repealed, and Sections 34-5-1 through 34-5-16, inclusive, are hereby expressly repealed and superseded.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, S B. 261, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Rep. Whatley offered the motion that the House non-concur in the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 261, said Report being set out in the above and foregoing Message from the Senate.

#### SUBSTITUTE MOTION TO NON-CONCUR

Rep. Cobb offered the substitute motion that the House non-concur in the Report of the Committee on Conference and requested a new committee be appointed.

## MOTION TO TABLE LOST

The motion offered by Rep. Whatley to table the substitute motion offered by Rep. Cobb to non-concur, was lost.

Yeas 24; Nays 29.

*Yeas:*

Reps. Adams (C), Clark (G), Cosby, Dial, Edwards, Grouby, Harper (O), Harper (T), Horn, Johnson (R. G.), McMillan, Manley, Minus, Olive, Pegues, Riddick, Sasser, Shoemaker, Smith (M), Trammell, Warren, Whatley, Willis and Zoghby.

—24

*Nays:*

Reps. Albright, Barton, Bowling, Brakefield, Carter, Cobb, Coburn, Crow, Dixon, Goodwin, Harrison, Higginbotham, Holley, Holmes, Johnson (Roy), Langford, Letson, Mitchell, Moore, Naramore, Parker, Patton, Rains, Roberts, Seibels, Starkey, Stewart, Venable and Wyatt.

—29

## SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Cobb, that the House non-concur in the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 261, and request a new committee on Conference, and the substitute motion was adopted.

Yeas 60; Nays 4.

*Yeas:*

Reps. Albright, Barton, Bedsole, Boles, Brakefield, Buskey, Campbell, Carter, Cobb, Cosby, Crow, Dial, Dixon, Edwards, Escott, Ford, Gafford, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Holley, Horn, Howard, Johnson (Roy), Kelley, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Rains, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—60

*Nays:* Reps. Cates, Johnson (R. G.), Pegues and Sasser.

—4

## COMMITTEE APPOINTED

The Speaker appointed as a new Committee on Conference on the part of the House Reps. Cobb, Whatley and Dial.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 308. Relating to the city of Chickasaw; providing, after notice is given, for the removal or demolition of buildings and structures, parts of buildings and structures party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body upon request; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

Also:

H. 557. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Notasulga, in Macon and Lee Counties.

Also:

H. 641. To establish minimum age requirements for admission into Mobile County Public Kindergartens.

Also:

H. 661. To authorize the Mobile County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 682. To authorize the creation of a public corporation in Bayou La Batre, Mobile County, Alabama, which shall have the power to construct, lease, build, install, acquire, own, operate, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial sites, industrial and factory buildings and the necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; to prescribe the duties and powers of such public corporation, including but not limited to, the power to enter into contracts or agreements with persons, firms or corporations, public or private, with the United States of America or with any of its agents or departments as well as with the various states and the subdivisions and municipal corporations thereof; to authorize the issuance of revenue bonds and revenue refunding bonds payable from the revenues of authorized projects, to pay the cost of such projects; exempting such bonds and the property of the corporation from taxation; and providing that no debt of a state, political subdivision or any municipality thereof shall be incurred in the exercise of any of the powers granted by this act.

Also:

H. 752. Relating to Cherokee County; to provide for the construction, repair and maintenance of County Roads as a unit without regard to District or Beat lines.

Also:

H. 778. Relating to Mobile County; amending further section 1 of Act No. 80-342, H. 917, 1980 Regular Session (Acts 1980, p. 464) relating to an idle speed zone for boats on Halls Mill Creek, so as to provide that the Alabama Marine Police shall erect signs to indicate such zone.

Also:

H. 791. Relating to Fayette County; to establish a special fund in the county treasury to pay a bounty to any resident of Fayette County on certain beaver trapped or killed in Fayette County; to provide for the administration of said fund and bounty system; and to prescribe punishment for any person found guilty of falsely making claim for a bounty.

Also:

H. 792. Relating to Fayette County; to provide for the expense allowance of Board of Education members; to repeal all prior laws providing for the compensation of Board Members; and to provide for the location of board meetings.

Also:

H. 793. Relating to Fayette County; to provide that 10% of all funds accruing to Fayette County or any municipality therein from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, shall be transferred to the county education department to be used for additional classroom supplies and equipment and certain capital outlay purposes, and to provide for the method of distributing said money.

Also:

H. 795. Relating to Lamar County; to provide for the expense allowance of board of education members; to repeal all prior laws providing for the compensation of board members; and to provide for the location of board meetings.

Also:

H. 797. Relating to Lamar County; to alter the compensation of the members of the county commission.

Also:

H. 800. Relating to Calhoun County; amending Act No. 274, H. 990, Regular Session 1975 (Acts 1975, p. 809), which relates to the civil service board, so as to allow department heads to choose from a greater number of applicants on the list furnished by the board.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 801. Relating to Morgan County; to provide for the adoption and publication of certain motor vehicle weights and limits, which shall be deemed as adequate notice for purposes of penalizing offenders.

Also:

H. 802. Relating to Morgan County; to authorize the county to contract with any municipality within Morgan County and any municipality within Morgan County to contract with Morgan County to lease or sell to each other used equipment and/or other materials or items used or usable by counties and municipalities and to make street signs and sell the same to municipalities all without advertising for bids.

Also:

H. 807. Relating to Russell County; providing for the districts and election of the members of the county board of education.

Also:

H. 809. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for service of summoning witnesses and summons and complaints in Henry County so that such service and subpoenas may be by United States mail in the county under certain conditions.

Also:

H. 815. Relating to Macon County; to authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Macon County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Also:

H. 817. Relating to Fayette County; to alter the compensation of the members of the county commission.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Gilmer:

H. R. 358. COMMENDING MR. LOYD BROOKS JONES UPON HIS RETIREMENT FROM THE FIELD OF EDUCATION.

## MOTION TO RECESS

Rep. Bedsole offered the motion that the House recess at 2:00 o'clock p.m. for fifteen minutes.

## SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Johnson (Roy), that the House recess for one hour, was lost.

Yeas 15; Nays 42.

*Yeas:*

Reps. Albright, Bedsole, Clark (G), Hall, Holley, Horn, Johnson (Roy), Kennedy, Manley, Mitchell, Nevett, Pegues, Turner, Williams and Wyatt.

—15

*Nays:*

Mr. Speaker, Adams (C), Barton, Bowling, Brakefield, Carothers, Carter, Cates, Coburn, Cosby, Dial, Drinkard, Edwards, Gafford, Goodwin, Grimsley, Grouby, Harper (T), Howard, Jackson, Johnson (R. G.), Kelley, Letson, McMillan, Moore, Olive, Owens, Parker, Patton, Rains, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Venable, Waggoner, Willis and Zoghby.

—42

## MOTION TO RECESS ADOPTED

The motion offered by Rep. Bedsole that the House recess at 2:00 o'clock p.m. to the call of the Chair, was adopted.

Yeas 55; Nays 14.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Boles, Brakefield, Cates, Clark (G), Cosby, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Horn, Kelley, Kennedy, Letson, McKee, McMillan, Manley, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—55

*Nays:*

Reps. Carothers, Carter, Coburn, Goodwin, Higginbotham, Holmes, Johnson (R. G.), Johnson (Roy), Langford, Minus, Nevett, Seibels, Smith (C) and Wyatt.

—14

## MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Gafford, the rules were suspended in order to take up out of order the bill, S. 508.



Yeas 13; Nays 2.

*Yeas:*

Reps. Amari, Bennett, Biddle, Boles, Cobb, Escott, Gafford, Horn, Howard, Jackson, Moore, Payne and Waggoner.

—13

*Nays:* Reps. Olive and Seibels.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 508. To supplement the salary of a supernumerary Circuit District Attorney of the Tenth Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 13; Nays 2.

*Yeas:*

Reps. Amari, Bennett, Biddle, Boles, Escott, Gafford, Horn, Howard, Jackson, Moore, Nevett, Trammell and Waggoner.

—13

*Nays:* Reps. Olive and Seibels.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RESOLUTIONS

The following resolutions were introduced.

By Rep. Seibels:

H. J. R. 359. HONORING MR. RAYMOND J. ISLEY OF BIRMINGHAM, ALABAMA.

WHEREAS, Birmingham native, Mr. Raymond J. Isley, is one of Alabama's most outstanding patriots who has so served, in honor and in sacrifice, as to be truly deserving of our nation's gratitude; and

WHEREAS, joining the United States Marine Corps in December 1941, he first served in New Zealand, then in Guadalcanal where he was wounded in action in November 1942; again injured in July 1943, in the South Pacific, Mr. Isley was awarded the Silver Star and later evacuated to New Zealand where he was hospitalized to be honorably discharged in November 1944; and

WHEREAS, Mr. Isley has been a member of the Disabled American Veterans since 1947 and an instrumental leader in Birmingham Chapter No.

4, guiding the Chapter in growth and to the establishment of a new Chapter Home; and

WHEREAS, he has been involved for many years, as well, with the National Veterans Day Parades in Birmingham and has long served as board member and Master of Ceremonies for the annual Distinguished Veterans Award Banquet; he is a past Commander of VFW Post 3565, a Disabled American Veterans Department Commander, Commander of American Legion General Gorgas Post No. 1, a two-term National DAV Junior Vice Commander and currently serves as Judge Advocate DAV, Department of Alabama; and

WHEREAS, Mr. Isley, a University of Alabama graduate and an established Birmingham Certified Public Accountant, also has served in civic leadership as a Chief of Reserve Police of the Birmingham Civil Defense Corps, with the city's Industrial Development Board, and as the Mayor's Representative for JCCEO; he further was Revenue Agent for IRS from 1949 until 1954, and twice served as President of the Alabama Association of Public Accountants; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Raymond J. Isley of Birmingham, Alabama, as a distinguished American Patriot and an outstanding Alabamian, to whom a copy of this resolution shall be presented in small token of our deep appreciation and utmost regard.

On motion of Rep. Seibels, the rules were suspended and the resolution, H. J. R. 359, was adopted.

Also:

By Rep. McKee:

H. J. R. 360. COMMENDING THE GROUP, "LIGHTHOUSE," OF ALABAMA CHRISTIAN COLLEGE.

WHEREAS, the Legislature of Alabama takes great pride in noting the recent outstanding accomplishments of "Lighthouse," a musical group from Alabama Christian College in Montgomery; and

WHEREAS, the six members of the group are Brent Missildine, Brad Clark, Bruce Lyon, David Webb, Sam Mullins and Suzie Nolen, along with Steve Collins as sound and light technician, and Kevin Arvin, the Director of the show, each exemplifying the most admirable aspects of the Christian religion; and

WHEREAS, during the 1981-82 school year, Lighthouse will represent Alabama Christian College and the State of Alabama in more than 80 performances in the nine Southeastern states; and

WHEREAS, the numerous contributions of these young people are a source of deep pride and a warm sense of appreciation which is felt by all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Lighthouse, the extraordinarily talented musical group from Alabama Christian College, on its commitment to Christian education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the aforementioned people and to Mr. Doron L. Claiborne, Director of Admissions and Financial Aid at Alabama Christian College, for appropriate display as evidence of our high esteem and sincere gratitude for their many contributions.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 360, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 361. COMMENDING HAROLD "FISH" HERRING, HUNTSVILLE, ALABAMA.

Also:

By Rep. Smith (J):

H. R. 362. COMMENDING EARL EDWARD CLOUD OF HUNTSVILLE FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Smith (J):

H. R. 363. COMMENDING DR. FRANCES C. ROBERTS FOR OUTSTANDING PROFESSIONAL AND COMMUNITY SERVICE.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 89. To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and to provide how the maximum salary of such staff assistants shall be determined by the Mayor, and for the protection of salary and other rights of merit system employees appointed hereunder, and for the inclusion of appointees in the general pension system of the municipality upon application for such membership within thirty (30) days of appointment.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

## RECESS

On motion of Rep. Bedsole heretofore adopted, the House stood in recess at 2:00 o'clock p.m. to the call of the Chair.

## HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

## RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. McMillan:

H. R. 364. COMMENDING MR. JOSEPH R. CROSBY, JR., OF STOCKTON ON HIS CONTINUOUS OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

The following resolution was introduced:

By Reps. Waggoner, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghy:

H. J. R. 365. MOURNING THE DEATH OF MRS. MARIE REYNOLDS LEWIS OF BESSEMER, ALABAMA.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Marie Reynolds Lewis of Bessemer, Alabama on April 12, 1982, at the age of 64 years; and

WHEREAS, Mrs. Lewis' death came following a brave gallant fight against the ravages of bone marrow cancer, a battle she faced with courage and great fortitude despite such formidable odds; and

WHEREAS, as one of her city's most prominent civic leaders, Mrs. Lewis was a charter member of the Bessemer Beautification Club, a past president of the Southwestern Council of Garden Clubs, a member of the Mentor Club, Artes Garden Club, the Ludus Artes Study Club and of the First United Methodist Church of Bessemer; and

WHEREAS, Mrs. Lewis was the beloved wife of Mr. Malcolm E. Lewis, and also is survived by their son, Duane Lewis, their daughter, Mrs. Shelia Morgan, and by her sister, Mrs. Annie Mae Carlton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the

death of Mrs. Marie Reynolds Lewis of Bessemer, Alabama and extend our most heartfelt sympathy to her husband, daughter and sister and to her son, our friend and colleague, Duane Lewis, to whom copies of this resolution shall be sent in expression of our sincerely shared sorrow in their great and grievous loss.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 365, was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Drinkard, the rules were suspended in order to take up out of order the bill, H. 745.

Yeas 42; Nays 1.

*Yeas:*

Reps. Adams (C), Amari, Barton, Bennett, Biddle, Blake, Bowling, Buskey, Carothers, Carter, Cheatwood, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Goodwin, Grouby, Hall, Harper (O), Harper (T), Higginbotham, Holley, Horn, Johnson (R. G.), Johnson (Roy), McKee, McMillan, Minus, Moore, Nevett, Olive, Roberts, Seibels, Shoemaker, Stewart, Trammell, Waggoner, Warren, Willis and Zoghby.

—42

*Nay:* Rep. Manley.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 745. To amend Section 41-9-96, Code of Alabama 1975, which provides for the permit fees and taxation of boxing and wrestling matches, so as to eliminate the gross receipts tax on such matches.

Was taken up.

#### AMENDMENT OFFERED

Rep. Drinkard offered the following amendment to the bill, H. 745:

On page one, on line 12, delete the word "eliminate" and insert in lieu thereof:

alter

On page one, line 21, delete the word "eliminate" and insert in lieu thereof:

alter

On page 1, delete lines 32-37 in their entirety and insert in lieu thereof:

(2) Seventeen and one half Four percent of the gross receipts from admissions to every boxing, sparring or wrestling match or exhibition plus 10 4 percent of the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of such matches or exhibitions;

On page 2, delete lines 5 through 14 in their entirety and insert in lieu thereof:

(3) Ten Four percent of the gross admission charges to a club, theatre or other place where a televised showing of a boxing, sparring or wrestling match or exhibition which is taking place in another area or place may be viewed by means of closed circuit television; and, for the purposes of paying and collecting this tax, any person, firm, association or corporation which charges or collects admission fees to view such televised matches or exhibitions shall be subject to the provisions of this section relative to the payment of licenses;

Renumber all following subsections properly.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 37; Nays 0.

*Yeas:*

Reps. Adams (C), Barton, Bennett, Biddle, Carter, Cheatwood, Cobb, Cooley, Daniels, Dixon, Escott, Gafford, Grouby, Hall, Holley, Horn, Johnson (Roy), Kelley, McKee, Manley, Minus, Moore, Nevett, Olive, Pegues, Penry, Rains, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Venable, Warren, Willis, Wyatt and Zoghby.

—37

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 745. To amend Section 41-9-96, Code of Alabama 1975, which provides for the permit fees and taxation of boxing and wrestling matches, so as to alter the gross receipts tax on such matches.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 3.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Biddle, Blake, Buskey, Carter, Cheatwood, Cobb, Cosby, Daniels, Dixon, Drinkard, Escott, Gafford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Higginbotham, Hines, Holley, Horn, Johnson (R. G.), Kelley, Langford, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Roberts, Sasser, Seibels, Shoemaker, Stewart, Turner, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—53

*Nays:* Reps. Bowling, Coburn and Cooley.

—3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 659. To add a Subsection 4 to Section 11-54-80 of the Code of Alabama of 1975, as amended, to include hydroelectric utility facilities in the definition of projects qualifying to be financed through Industrial Development Boards.

McDOWELL LEE,  
Secretary.

BILLS ON THIRD READING

And the bill:

H. 811. Relating to Escambia County; providing for the expense allowance of the presiding circuit judge of the twenty-first judicial circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Bowling, Buskey, Carter, Clark (G), Coburn, Cooley, Crow, Daniels, Dixon, Edwards, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Holmes, Johnson (R. G.), Kelley, Langford, McKee, McMillan, Minus, Moore, Naramore, Olive, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Stewart, Trammell, Turner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 812. Relating to Escambia County; amending Act No. 251, H. 979, 1976 Regular Session (Acts 1976, p. 287), so as to provide further for the compensation of the court reporter of the twenty-first judicial circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bennett, Bowling, Buskey, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Edwards, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Holmes, Horn, Kelley, Kennedy,

Langford, McKee, McMillan, Minus, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

## MOTION TO SUSPEND RULES

Rep. Turner offered the motion to suspend the rules and take up out of order the bill, H. 311.

## DIVISION OF THE QUESTION

Rep. Pegues called for the Division of the Question and the call was sustained.

## MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Turner to suspend the rules in order to take up out of order the bill, H. 311, and the motion was lost.

Yeas 16; Nays 32.

*Yeas:*

Reps. Bedsole, Buskey, Cheatwood, Clark (W), Harper (T), Holley, Kennedy, Langford, McMillan, Nevett, Parker, Penry, Stewart, Turner, Wyatt and Zoghby.

—16

*Nays:*

Mr. Speaker, Adams (C), Carter, Clark (G), Coburn, Cooley, Cosby, Dial, Dixon, Goodwin, Grouby, Hall, Hammett, Harvey, Higginbotham, Johnson (R. G.), Kelley, Laird, Letson, McKee, Manley, Olive, Owens, Pegues, Rains, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stout and Whatley.

—32

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 799. Relating to local sales and use taxes in Lee County, Alabama, and amending Act No. 81-553 enacted at the 1981 Regular Session of the Legislature of Alabama so as to provide further for the levy and collection of the special county privilege, license and excise taxes authorized by said Act No. 81-553 to be levied and collected by Lee County, Alabama, for the administration of said Act No. 81-553, and for the use of the proceeds from said taxes; authorizing the governing body of Lee County, Alabama, to levy and collect special county privilege, license and excise taxes generally paralleling the state sales and use taxes levied by Act No. 81-665 enacted at the 1981 Regular Session of the Legislature of Alabama on sales of automobiles and



other vehicles other than at wholesale by persons other than licensed dealers; providing for the collection of such taxes and the use of the proceeds therefrom; and repealing Act No. 81-918 enacted at the 1981 First Special Session of the Legislature of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Buskey, Carter, Clark (G), Coburn, Dixon, Edwards, Gilmer, Goodwin, Grouby, Hall, Higginbotham, Kelley, Letson, Manley, Minus, Naramore, Olive, Rains, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Stout, Turner, Turnham, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 820. Relating to Franklin County; providing further for the compensation of the probate judge and providing for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Carter, Clark (G), Cobb, Coburn, Crow, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Grouby, Hall, Harper (T), Harvey, Higginbotham, Horn, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Manley, Minus, Naramore, Owens, Rains, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Willis and Wyatt.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 821. To propose an amendment to the Constitution of Alabama of 1901 relating to court costs and the compensation of the judge of probate of Franklin County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grouby, Hall, Harper (T), Harvey, Higginbotham, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, McMillan, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Warren, Whatley, Willis, Wyatt and Zoghby.

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And the bill:

H. 822. Relating to Class 2 municipalities; providing for a retirement pension for certain elected public officials in such municipalities, the eligibility requirements for such pension and the amount, method; providing for payments from the general fund of such municipalities; and specifically repealing Act No. 432, S. 531 of the 1971 Regular Session (Acts 1971, p. 1159) and Act No. 682, H. 937, Regular Session 1967 (Acts 1967, p. 1508), which acts provide for a retirement pension for certain elected public officials of certain cities classified on a population basis.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Buskey, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Daniels, Edwards, Goodwin, Hall, Harper (T), Harvey, Higginbotham, Kelley, Kennedy, Langford, Letson, McMillan, Naramore, Owens, Parker, Patton, Penry, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Warren, Willis, Wyatt and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES

Rep. Cates offered the motion to suspend the rules and take up out of order the bill, S. 84.

#### DIVISION OF THE QUESTION

Rep. Pegues called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Cates to suspend the rules in order to take up out of order the bill, S. 84, and the motion was adopted.

Yeas 77; Nays 0.

*Yeas:*

Reps. Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Moore, Naramore, Olive, Patton, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

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And the bill:

S. 84. (With Amendment): To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase, to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cates offered the following substitute to the bill, S. 84 with pending amendment reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement

System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase, to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1982, to any person retired prior to October 1, 1981, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase of \$1.20 per month for each year of creditable service attained by said member; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 shall receive an increase of \$.60 per month for each year of creditable service attained by said member. In addition to the foregoing amount an additional \$.80 per month increase may be granted upon the occurrence of certain conditions set forth in Section 5 of this Act; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 may receive an additional \$.40 per month increase upon the occurrence of certain conditions pursuant to Section 5 of this Act. Effective October 1, 1983, the full increase of \$2 per month shall become effective and shall be funded pursuant to Section 5 of this Act; provided any person retired pursuant to Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 shall receive an increase of \$1 per month, and said increase shall be funded pursuant to Section 5 of this Act.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama 1975, shall not be deemed a retiree of the Teachers' or Employees' Retirement System of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

Section 3. (a) There is hereby allocated and expended from the assets or appropriations of the Teachers' Retirement System of Alabama \$4,088,703 or such amounts as are necessary to fund the provisions of Section 1 of this Act exclusive of such amounts funded pursuant to Section 5 of this Act. In addition to the foregoing amount, it is the intent of the legislature that the sum of \$3,290,460, said amount being appropriated in excess of the required amount to fund the Teachers' Retirement System of Alabama for the 1981-82 fiscal year, be used to fund the provisions of this Act. In the event said sum shall revert to the Alabama Special Educational Trust Fund a like sum is hereby appropriated to the Teachers' Retirement System of Alabama for the fiscal year beginning October 1, 1982, from said Trust Fund. It is further provided that any funds available from the assets or appropriations to the Teachers' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(b) There is hereby allocated an expended from the assets or appropriations of the Teachers' Retirement System of Alabama to the Employees'

Retirement System of Alabama \$59,700 for the fiscal year beginning October 1, 1982, or such amounts as are necessary to carry out the provisions of this Act, exclusive of such amounts funded pursuant to Section 5 of this Act, as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System. In addition, it is further provided that any funds available from the assets of or the appropriation to the Teachers' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended to the Employees' Retirement System of Alabama as may be necessary to carry out the provisions of this Act.

(c) 1. There is hereby allocated and expended from the Employees' Retirement System of Alabama \$1,754,463 or such amounts as are necessary to fund the provisions of Section 1 of this Act, for the fiscal year beginning October 1, 1982, exclusive of such amounts funded pursuant to Section 5 of this Act. In addition, it is further provided that any funds available from the assets of or the appropriations to the Employees' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(c) 2. The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer or members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent expenditures from the Teachers' and Employees' Retirement Systems shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(e) No person whose retirement under the Teachers' or Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this Act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions or higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Section 36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such person's eligibility to receive benefits is impaired by the cost-of-living increase provided in Section 1 of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 5. It is the intent of the Legislature that the additional cost-of-living increase granted to certain retired persons under the provisions of

this Act be financed, if possible, from existing funds of the Employees' Retirement System and the Teachers' Retirement System under the following provisions and conditions:

A. (1) If any actuary firms employed by the board of control of the Employees' Retirement System and/or the Teachers' Retirement System finds that the authorized cost-of-living increase can be paid for the fiscal year 1982-83 from existing funds of the systems without having serious adverse impact actuarially on the retirement system, the boards of control of the retirement systems are hereby authorized and instructed to pay such cost-of-living increase beginning October 1, 1982. It is the intent of this legislation as pertains to future like funding, that such funding shall be made in accordance with Section 16-25-28, Code of Alabama 1975, as pertains to actuarial soundness.

(2) Further provided, if the actuarial report is not received by October 1, 1982, but meets the above condition when it is received during fiscal year 1982-83, then the cost-of-living increase shall be paid retroactively to October 1, 1982.

B. If the condition in "A" above is not met, the full cost-of-living increase shall be paid beginning October 1, 1983, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the State under the provisions of Sections 16-25-21 or 36-27-24, Code of Alabama 1975, or any other applicable provision of law.

The provisions of this section shall govern and override any seeming or actual conflicts with other provisions of this Act.

Section 6. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 86; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

And the bill, S. 84 as amended, was read a third time at length and passed.

Yeas 91; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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#### MOTION TO SUSPEND RULES

Rep. Dixon offered the motion to suspend the rules in order to take up out of order the bill, H. 421.

#### SUBSTITUTE MOTION OFFERED

Rep. Manley offered the substitute motion to take up out of order the bill, H. 440.

#### MOTION TO TABLE LOST

The motion offered by Rep. Dixon to table the substitute motion offered by Rep. Manley, was lost.

Yeas 31; Nays 44.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Biddle, Bowling, Cabaniss, Cosby, Dial, Dixon, Grouby, Hall, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Letson, McKee, Naramore, Parker, Rains, Ray, Roberts, Smith (C), Stewart, Turner, Venable, Ward, Warren and Whatley.

—31

*Nays:*

Reps. Barton, Bedsole, Bennett, Blake, Boles, Campbell, Carothers, Clark (G), Clark (W), Coburn, Cooley, Crow, Daniels, Escott, Goodwin, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holmes, Langford, McMillan, Manley, Minus, Moore, Nevett, Owens, Patton, Pegues, Penry, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Trammell, Turnham and Williams.

—44

## MOTION TO SUSPEND RULES POSTPONED

On motion of Rep. Dixon, the motion by him to suspend the rules in order to take up out of order the bill, H. 421, and the substitute motion by Rep. Manley, to take up out of order the bill, H. 440, were temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 216. Relating to Mobile County; to alter or rearrange the boundary lines of the Town of Creola.

Also:

H. 798. Relating to Barbour County; providing for a salary supplement for the district attorney.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 706. To Authorize and make provision for the incorporation in the City of Dothan of the Dothan Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Dothan; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its



corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election;

To require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority; to require compliance with the competitive bid law with respect to any projects receiving public funds; and to require a public hearing prior to the expenditure of any public funds.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 659. To add a Subsection 4 to Section 11-54-80 of the Code of Alabama of 1975, as amended, to include hydroelectric utility facilities in the definition of projects qualifying to be financed through Industrial Development Boards.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### H. 320 TEMPORARILY POSTPONED

On motion of Rep. Reed, the bill, H. 320, was temporarily postponed.

#### RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. J. R. 366. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, April 15, 1982, we adjourn to meet again on Tuesday, April 20; when we adjourn on Tuesday, April 20, we adjourn to meet again on Monday, April 26; and when we adjourn on Monday, April 26, 1982, we adjourn sine die.

#### MOTION TO ADOPT

Rep. Biddle offered the motion to adopt the resolution, H. J. R. 366.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the resolution, H. J. R. 366, was lost.

Yeas 42; Nays 43.

*Yeas:*

Reps. Adams (C), Amari, Bennett, Blake, Boles, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Grimsley, Hammett, Harper (O), Harrison, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Olive, Reed, Smith (C), Smith (J), Starkey, Trammell, Turner, Warren, Whatley and Wyatt.

—42

*Nays:*

Mr. Speaker, Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Dial, Gafford, Gilmer, Grouby, Harper (T), Harvey, Hines, Kelley, McKee, Manley, Minus, Moore, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (M), Stewart, Stout, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

—43

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the resolution, H. J. R. 366:

H. J. R. 366. RESOLVING THAT WHEN THE HOUSE ADJOURNS TODAY, IT SHALL MEET AGAIN ON MONDAY APRIL 19, 1982, AND WHEN THE HOUSE ADJOURNS ON MONDAY APRIL 19, 1982, IT SHALL MEET AGAIN ON MONDAY APRIL 26, 1982, AND WHEN THE HOUSE ADJOURNS ON MONDAY APRIL 26, 1982, IT SHALL ADJOURN SINE DIE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when the House adjourns today it shall meet again on Monday April 19, 1982, and when the House adjourns on Monday April 19, 1982, it shall meet again on Monday April 26, 1982, and when the House adjourns on Monday April 26, 1982, it shall adjourn sine die.

SUBSTITUTE TABLED

On motion of Rep. Manley, the substitute offered by Rep. Holley to the resolution, H. J. R. 366, was tabled.

Yeas 49; Nays 41.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Ford, Gafford, Gilmer, Grouby, Harper (T), Harvey, Hines, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Parker, Patton, Payne, Pegues, Rains, Ray,

Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Stout, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—49

*Nays:*

Reps. Adams (C), Amari, Bennett, Boles, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Gregg, Grimsley, Hammett, Harper (O), Harrison, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Olive, Smith (C), Smith (J), Starkey, Trammell, Turner, Warren and Wyatt.

—41

### RESOLUTION ADOPTED

The question was then on the motion offered by Rep. Manley to adopt the resolution, H. J. R. 366, and the resolution was adopted.

Yeas 52; Nays 38.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Gregg, Grouby, Hall, Harper (T), Harvey, Hines, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Stout, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

—52

*Nays:*

Reps. Adams (C), Amari, Bennett, Boles, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Escott, Grimsley, Hammett, Harper (O), Harrison, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Olive, Smith (C), Smith (J), Starkey, Trammell, Turner, Warren and Wyatt.

—38

Also:

By Rules Committee:

H. R. 367. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, April 15, 1982, we adjourn to meet again on Tuesday, April 20, 1982, at 11:00 A.M.

On motion of Rep. Biddle, the resolution, H. R. 367, was adopted.

Yeas 68; Nays 8.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Ford, Gafford, Gilmer,

Goodwin, Grouby, Hall, Harper (O), Harper (T), Harvey, Higginbotham, Johnson (R. G.), Kelley, Kennedy, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—68

*Nays:*

Reps. Dial, Holley, Holmes, Howard, Johnson (Roy), Langford, Nevett and Wyatt.

—8

### SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 320. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

Was taken up.

### AMENDMENT OFFERED

Rep. Moore offered the following amendment to the bill, H. 320:

Amend H. B. 320 on page 1, Section 1, lines 28, 29, 30, and 31 by inserting the following language: If a legal holiday falls on a day the board is to be in session, and the courthouse of the county is closed for the holiday, the board of registrars shall be compensated for such holidays. This language replaces the stricken language.

Amend H. B. 320 on page 2, line 15, Section 2 by striking the semicolon, and inserting a period.

Further amend on page 2, lines 15, 16, 17 and 18 by striking the following: provided, however, that it shall not become operative until the beginning of the next term of office of the members of the boards of registrars of this state.

### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Nevett, Owens, Parker, Payne, Penry,

Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—76

And the bill, H. 320 as amended, was read a third time at length and passed.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Nevett, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—81

#### RULES SUSPENDED

On motion of Rep. Reed, Rule 4(4) was suspended to permit the bill, H. 320, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Minus, Moore, Nevett, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—83

And the bill, H. 320, was ordered sent forthwith to the Senate without engrossment.

#### CO-SPONSORS ADDED

Reps. Smith (M) and Bennett were added as co-sponsors to the bill, H. 320.

And the bill:

S. 504. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes,

under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Higginbotham, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Minus, Mitchell, Moore, Nevett, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—64

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Clark (W), the rules were suspended in order to take up out of order the bill, H. 630.

Yeas 13; Nays 1.

*Yeas:*

Reps. Adams (C), Adams (H), Bedsole, Clark (W), Cosby, Grimsley, Harper (T), Howard, Kennedy, Pegues, Sandusky, Stewart and Turner.

—13

*Nay:* Rep. Parker.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 630. (With Amendment): Relating to Mobile County; providing for an additional expense allowance for members of the county governing body.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 630 on page 1, Section 1, line 9 by deleting the words "five hundred dollars" and inserting in lieu thereof the words "one hundred fifty dollars."

Further amend H. B. 630 on page 1, Section 1, line 10 by deleting the figure "500.00" and inserting in lieu thereof the figure "150.00."

And the amendment was adopted.

Yeas 10; Nays 4.

*Yeas:*

Reps. Clark (W), Grouby, Harper (T), Holmes, Howard, Kennedy, Langford, Penry, Sandusky and Turner.

—10

*Nays:* Reps. Bedsole, Parker, Stewart and Zoghby.

—4

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 630 as amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 10; Nays 4.

*Yeas:*

Reps. Clark (W), Grouby, Harper (T), Holmes, Howard, Kennedy, Langford, Penry, Sandusky and Turner.

—10

*Nays:* Reps. Bedsole, Parker, Stewart and Zoghby.

—4

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### SPECIAL ORDER RESUMED

And the bill:

H. 305. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities for sanitation services.

Was read a third time at length and passed.

Yeas 58; Nays 3.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Dial, Drinkard, Escott, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Owens, Patton, Penry, Ray, Riddick, Roberts, Sasser, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren and Zoghby.

—58

*Nays:* Reps. Amari, Daniels and Holley.

—3



RULE SUSPENDED

On motion of Rep. Waggoner, Rule 4(4) was suspended to permit the bill, H. 305, being other than a local or general bill or local application, to be sent to the Senate.

Yeas 54; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Dial, Drinkard, Escott, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Higginbotham, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McKee, McMillan, Manley, Moore, Nevett, Parker, Patton, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Smith (C), Starkey, Stewart, Turner, Venable, Waggoner, Warren, Willis and Zoghby.

—54

*Nays:* Reps. Amari, Daniels, Dixon, Gilmer, Holley and Rains.

—6

And the bill, H. 305, was ordered sent forthwith to the Senate without engrossment.

And the bill:

H. 699. To amend Section 41-9-73 of the Code of Alabama 1975, as amended, relating to annual appropriations for the state board of adjustment so as to provide further for such appropriations.

Was taken up.

On motion of Rep. Owens, the rules were suspended and the bill, H. 699, was read a third time at length and passed.

Yeas 76; Nays 1.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McKee, Manley, Minus, Mitchell, Moore, Nevett, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—76

*Nay:* Rep. Holley.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Owens, the rules were suspended in order to send the bill, H. 699 to the Senate.

Yeas 76; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Owens, Parker, Patton, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—76

*Nay:* Rep. Holley.

—1

And the bill, H. 699, was ordered sent forthwith to the Senate without engrossment.

And the bill:

S. 432. (With Amendment): To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means said committee amendment being as follows:

Amend Substitute for S. B. 432 on page 2, Section 1, lines 14 through 29 by deleting said language and substituting in lieu thereof the following:

"The commissioner of the department of revenue shall allow distributors or wholesalers, as defined in Section 40-17-30, who have been licensed by the department of revenue under the provisions of Section 40-12-191, and who have made bond, as required in Section 40-12-194, and who remit their state gasoline taxes based on receipts, a discount in an amount equal to two percent (2%) of all amounts of gasoline taxes paid under the provisions of Section 40-17-31, as amended, and Section 40-17-220, as amended, the amount of said discount being for the purpose of partially defraying the cost of losses in volume due to the evaporation shrinkage incurred in the handling of gasoline by such licensed and bonded distributors or wholesalers as defined in this article. The commissioner of revenue is authorized and directed to promulgate reasonable rules and regulations to effectuate the purposes of this section."

And the amendment was adopted.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O),

Harper (T), Harvey, Higginbotham, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—71

#### MOTION TO POSTPONE TABLED

On motion of Rep. Kelley, the motion offered by Rep. Dial to temporarily postpone the bill, S. 432 as amended, was tabled.

Yeas 43; Nays 34.

*Yeas:*

Mr. Speaker, Albright, Amari, Bedsole, Biddle, Buskey, Campbell, Carothers, Carter, Cooley, Cosby, Drinkard, Edwards, Ford, Gafford, Grouby, Hall, Hammett, Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Letson, McKee, Minus, Moore, Owens, Parker, Patton, Riddick, Roberts, Sasser, Shoemaker, Smith (M), Stewart, Trammell, Turner, Warren, Williams, Willis and Zoghby.

—43

*Nays:*

Reps. Adams (C), Bennett, Blake, Boles, Brakefield, Cabaniss, Cates, Cheatwood, Clark (G), Cobb, Coburn, Crow, Daniels, Gilmer, Goodwin, Harper (O), Harrison, Hines, Holmes, Horn, Laird, Langford, McMillan, Manley, Pegues, Penry, Sandusky, Seibels, Smith (C), Smith (J), Starkey, Stout, Venable and Wyatt.

—34

#### AMENDMENT OFFERED

Rep. Dial offered the following amendment to the bill, S. 432 as amended:

Strike Section 2 in its entirety and add:

This Act shall become effective Oct 1, 1983.

#### AMENDMENT TABLED

On motion of Rep. Kelley, the amendment offered by Rep. Dial to the bill, S. 432 as amended, was tabled.

Yeas 42; Nays 33.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cooley, Cosby, Dixon, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Hammett, Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Moore, Owens, Parker, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Turner, Ward, Warren, Williams, Willis and Zoghby,

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*Nays:*

Reps. Adams (C), Bedsole, Bennett, Cates, Clark (G), Clark (W), Coburn, Crow, Dial, Gilmer, Goodwin, Gregg, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Laird, Langford, Manley, Minus, Pegues, Rains, Riddick, Seibels, Smith (C), Starkey, Stout, Venable, Whatley and Wyatt.

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#### SUBSTITUTE OFFERED

Rep. Laird offered the following substitute to the bill, S. 432 as amended:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage, and to provide for a 2% discount from the state sales and use taxes for losses of inventory for wholesalers, distributors and retailers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-17-38 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-17-38.

"The commissioner of the department of revenue is hereby authorized and directed to allow refiners, storers, distributors or wholesalers, as defined by section 40-17-30, who have been licensed by the department of revenue under the provisions of section 40-12-191, and who have made bond, as is required under section 40-12-194, a discount in an amount equal to two percent of the first \$5,000.00 of tax paid and one percent of all amounts of tax paid in excess of \$5,000.00 under the provisions of section 40-17-31, as amended, not to exceed in any case \$200.00 on taxes paid in any one month, the amount of said discount being for the purpose of partially defraying the costs to such licensed and bonded refiners, storers, distributors or wholesalers of making reports to the department of revenue and of maintaining complete and accurate records to the reporting and paying of this tax. Whoever defaults in reporting and paying such taxes when the same become due and payable to the state shall not be allowed a discount under this section.

"The commissioner of the department of revenue shall allow distributors or wholesalers, as defined in Section 40-17-30, who have been licensed by the department of revenue under the provisions of Section 40-12-191, and who have made bond, as required in Section 40-12-194, a discount in an amount equal to two percent (2%) of all amounts of gasoline taxes paid under the provisions of Section 40-17-31, as amended, and Section 40-17-220, as amended, the amount of said discount being for the purpose of partially defraying the cost of losses in volume due to the evaporation shrinkage incurred in the handling of gasoline by such licensed and bonded distributors or wholesalers as defined in this article. The commissioner of revenue is authorized and directed to promulgate reasonable rules and regulations to effectuate the purposes of this section."

Section 2. The commissioner shall also allow distributors and wholesalers and retailers a 2% discount on all sales and use taxes to defray costs of inventory loss.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House that the Conference Committee be discharged and a new Conference Committee be appointed on the disagreement of the two Houses on the Bill:

S. 261. To terminate the existence and functioning of the State Board of Barber Examiners, and to transfer its surplus fees, funds, or monies, to the State General Fund, and to transfer all property and equipment to the State Finance Department, Division of Services, and to repeal Sections 34-5-1 through 34-5-16, Code of Alabama 1975.

And the President and Presiding Officer of the Senate has appointed as Conferees on part of the Senate Messrs. Hall, Denton, and White.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 359. HONORING MR. RAYMOND J. ISLEY OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 360. COMMENDING THE GROUP, "LIGHTHOUSE", OF ALABAMA CHRISTIAN COLLEGE.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 84. To provide in addition to benefits now received a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1,

1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase, to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Harrison:

S. 514. To authorize the acquisition and pledging and securing of Letters of Credit in connection with the issuance of securities by public bodies in Alabama.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 514. Banking.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Smith and McDonald:

S. 483. To amend Act No. 81-663, Regular Session 1981, to further define prescription drugs and to specifically exempt colostomy bags and attachments from state gross sales taxes.

Also:

By Messrs. McDonald, Lemaster and Smith:

S. 312. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Madison County Board of Education for

capital outlay purposes to be used to restore or replace the Central School which was destroyed by fire.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 483. Ways and Means.

S. 312. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Figures (With Notice and Proof):

S. 505. Relating to the Mobile County civil service system; to amend Section XV of Act 470, H. 952, 1939 Regular Session (Acts of 1939, p. 298) as amended, so as to remove the reference to provisional appointments and to repeal Section XVIII of said act which provided for provisional appointments.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 505 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 505. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Vacca:

S. 355. To amend Sections 33-5-1 through 33-5-36 of the Code of Alabama 1975, relating to registration and operation of vessels on the waters of this state and Section 40-17-31 pertaining to Marine Fuel Tax so as to transfer the Marine Police Division from the Department of Conservation and Natural Resources to the Department of Public Safety.

Also:

By Messrs. Little and Higginbotham:

S. 244. To provide that full-time employees and executive officers of the Alabama Vocational Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Also:

By Mr. Goodwin:

S. 395. To create a fund for the Alabama alcoholic beverage control board to be used for inventory purposes by providing that no taxes collected on alcoholic beverages sold by said board or such funds distributed as net profits by said board shall be distributed for at least 25 days by October 1, 1983, for at least 55 days by September 30, 1984, for at least 85 days by September 30, 1985, for at least 115 days by September 30, 1986, for at least 120 days by September 30, 1987 and thereafter, after the close of the month in which said taxes have been collected or such funds distributed as net profits are realized; to provide that any funds now accumulated as a working capital fund or reserve shall be distributed to the several beneficiaries on the same basis as withheld; to provide that all laws or parts of laws in conflict or inconsistent herewith are repealed; to provide an effective date.

By Mr. Teague:

S. 537. To require that group, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for outpatient services, and inpatient services if requested by the attending physician, rendered by duly qualified psychiatrists and psychologists of this State notwithstanding any provisions of the policies or contracts to the contrary.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 355. Natural Resources.
- S. 244. Ways and Means.
- S. 395. Ways and Means.
- S. 537. Health.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 366. SETTING MEETING DAYS OF THE LEGISLATURE.



Also:

H. J. R. 350. COMMENDING SPEAKER JOE C. McCORQUODALE, JR., FOR HIS EIGHT YEARS OF CHRISTIAN LEGISLATIVE LEADERSHIP.

Also:

H. J. R. 354. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

Also:

H. J. R. 351. SALUTING BERGERON INDUSTRIES, INC. FOR SELECTING ALABAMA FOR ITS 1982 INDUSTRIAL EXPANSION.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House that the Conference Committee be discharged and a new Conference Committee be appointed on the disagreement of the two Houses on the Bill:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

And the President and Presiding Officer of the Senate has appointed as Conferees on part of the Senate Messrs. Smith, Mitchem, and McDonald.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 751. To Amend Section Five of Ait No. 651, H. 377, Regular Session 1975 (Acts 1975, P. 1408) which provides retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

McDOWELL LEE,  
Secretary.

#### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:15 P.M. on April 15, 1982.

H. 55

H. J. R. 336

H. J. R. 345

H. 761

H. 762

H. 765

H. 767

H. 771

H. 774

H. 775

Delivered to the Governor at 2:10 P.M. on April 15, 1982.

H. 308

H. 557

H. 641

H. 661

H. 682

H. 752

H. 778

H. 791

H. 792

H. 793

H. 795

H. 797

H. 800

H. 801

H. 802

H. 807

H. 809

H. 815

H. 817

Delivered to the Governor at 3:00 P.M. on April 15, 1982.

H. 216

H. 798

H. 706

H. 659

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

On motion of Rep. Cabaniss and pursuant to the resolution, H. R. 367, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Tuesday, April 20, 1982.

Yeas 43; Nays 38.

*Yeas:*

Reps. Adams (C), Bowling, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Crow, Escott, Goodwin, Gregg, Harper (O), Harvey, Higginbotham, Holley, Horn, Howard, Johnson (Roy), Kennedy, McKee, McMillan, Manley, Minus, Nevett, Pegues, Penry, Ray, Sasser, Seibels, Shavers, Smith (C), Starkey, Stout, Turner, Turnham, Ward, Whatley and Williams.

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*Nays:*

Reps. Amari, Bedsole, Bennett, Biddle, Boles, Carothers, Cosby, Dial, Dixon, Edwards, Gafford, Grimsley, Grouby, Hammett, Harper (T), Hines, Holmes, Johnson (R. G.), Langford, Letson, Moore, Parker, Patton, Rains, Riddick, Roberts, Sandusky, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Venable, Waggoner, Warren, Willis, Wyatt and Zoghby.

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TWENTY-NINTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, April 20, 1982

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Asbury Howard, Bessemer, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J),

Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-eighth legislative day and finds the same to be correct.

JACK BIDDLE, III,  
Chairman.

On motion of Rep. Manley, the rules were suspended and the reading at length of the Journal of the House for the twenty-eighth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-eighth legislative day was approved.

#### PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Cabaniss was not in the Chamber at the time of voting for the final passage of the bill, H. 147, and did not vote. Someone inadvertently announced that Rep. Cabaniss voted "Yea" on final passage of the bill, H. 147.

#### RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 368. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today, Tuesday, April 20, 1982, they adjourn to meet again on Monday, April 26, 1982, at 11:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 368, was adopted.

Also:

By Rep. Manley:

H. J. R. 369. COMMENDING SEMINOLE ELECTRIC COOPERATIVE, INC. FOR ITS CONTRIBUTION TO THE ECONOMIC DEVELOPMENT OF ALABAMA.

WHEREAS, Seminole Electric Cooperative, Inc., executed a contract in 1981 with Central Gulf Lines to transport more than 65 million tons of coal by river barge from Kentucky, Illinois, and the heartland area of America down the Ohio and Mississippi Rivers to the Gulf of Mexico and across the intercoastal waterway to Port Saint Joe, Florida; and

WHEREAS, the contract for construction of the Super Jumbo Open Hopper Barges required by Central Gulf Lines to ship this coal from America's heartlands to the panhandle of Florida was granted to Bergeron Industries, Inc.; and

WHEREAS, this contract necessitated the enlargement of the construction facilities of bergeron industries and led to the acquisition of land in Demopolis, Alabama, and the ultimate construction of the Demopolis Marine Facility of Bergeron Industries, Inc.; and

WHEREAS, this action by Bergeron Industries led to the incorporation of Bergeron Barges, Inc., an Alabama subsidiary, and the investment in excess of ten million dollars in site and construction facilities, and the employment in excess of 300 Alabama citizens in new jobs in 1982;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend Seminole Electric Cooperative, Inc., for its corporate vision in expanding to meet the ever-growing power requirements in the State of Florida and thank them for the benefit to the economic development of a sister state at the Demopolis Marine Facility of Bergeron Barges, Inc.; and

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Harry W. Wright, Executive Vice President and General Manager, Seminole Electric Cooperative, Inc., in appreciation for his leadership and as a token of appreciation from the people of Alabama for the contribution by Seminole Electric Cooperative, Inc. to the continuing economic growth of the State of Alabama.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 369, was adopted.

#### HOUSE BILLS POSTPONED

On motion of Rep. Manley, all House Bills remaining on the Calendar at the end of the twenty-eighth legislative day, were indefinitely postponed.

#### REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 151

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning House Bill 151, have met, considered the bill, and have agreed to the attached:

Respectfully submitted,

WALTER OWENS,

JAMES G. SASSER,

LEIGH PEGUES,

Conferees on the part of the House.

J. RICHMOND PEARSON,

HINTON MITCHEM,

BOBBY DENTON,

Conferees on the part of the Senate.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 151

#### A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expense of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1982-83 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriations.

#### A. LEGISLATIVE:

##### 1. Examiners of Public Accounts, Department of:

(a) Legislative Support-Audit Services Program .....	3,641,152
--	-----------

#### SOURCE OF FUNDS:

(1) State General Fund .....	<u>3,641,152</u>	
Total Department of Examiners of Public Accounts .....	<u>3,641,152</u>	<u>3,641,152</u>

In addition to the above appropriation, there is hereby appropriated \$1,550,000 to the Department of Examiners of Public Accounts to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

2. Legislative Council:

(a) Legislative Operations and Support Program .....	130,000
--	---------

(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)

SOURCE OF FUNDS:

(1) State General Fund .....	130,000	
Total Legislative Council .....	130,000	130,000

3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program .....	450,558
--	---------

SOURCE OF FUNDS:

(1) State General Fund .....	450,558	
Total Legislative Fiscal Office ...	450,558	450,558

4. Legislative Reference Service:

(a) Legislative Operations and Support Program .....	800,000
--	---------

The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$1,118.

SOURCE OF FUNDS:

(1) State General Fund .....	800,000	
Total Legislative Reference Service .....	800,000	800,000

5. Legislature:

(a) Senate Operations and Support Program .....	1,219,510
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(b) House Operations and Support Program .....	1,830,722
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>3,050,232</u>	
Total Legislature .....	<u>3,050,232</u>	<u>3,050,232</u>
6. Legislatures, National Conference of State:		
(a) Legislative Operations and Support Program .....		54,365
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>54,365</u>	
Total National Conference of State Legislatures .....	<u>54,365</u>	<u>54,365</u>
B. JUDICIAL:		
1. Court of Civil Appeals:		
(a) Court Operations Program ..		753,940
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>753,940</u>	
Total Court of Civil Appeals ....	<u>753,940</u>	<u>753,940</u>
In addition to the above appropriation, there is hereby appropriated \$23,208 to the Court of Civil Appeals to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.		
2. Court of Criminal Appeals:		
(a) Court Operations Program ..		1,114,316
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,114,316</u>	
Total Court of Criminal Appeals .	<u>1,114,316</u>	<u>1,114,316</u>
In addition to the above appropriation, there is hereby appropriated \$31,328 to the Court of Criminal Appeals to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.		
3. Judicial Inquiry Commission:		
(a) Administrative Services Program .....		73,771
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>73,771</u>	
Total Judicial Inquiry Commission	<u>73,771</u>	<u>73,771</u>



REGULAR SESSION  
29th Day

1643

4. Judicial Retirement System:

(a) Retirement Systems Program 1,053,000

SOURCE OF FUNDS:

(1) State General Fund ..... 1,053,000

Total Judicial Retirement System 1,053,000 1,053,000

5. Supreme Court:

(a) Court Operations Program .. 2,985,467

SOURCE OF FUNDS:

(1) State General Fund ..... 2,971,467

(2) Federal, Local and Miscellaneous Funds ..... 14,000

Total Supreme Court ..... 2,971,467 14,000 2,985,467

In addition to the above appropriation, there is hereby appropriated \$55,105 to the Supreme Court to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

6. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program .. 43,195,236

(b) Administrative Services Program ..... 3,585,072

SOURCE OF FUNDS:

(1) State General Fund ..... 46,780,308

Total Unified Judicial System ... 46,780,308 46,780,308

In addition to the above appropriation, there is hereby appropriated \$2,174,632 to the Unified Judicial System to be conditioned on the availability of funds in the State General Fund and upon approval of the Governor.

C. EXECUTIVE

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program ..... 1,000

SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama ..... 1,000

Total Alabama Academy of Honor 1,000 1,000

2. Accountancy, Alabama State  
Board of Public:

- |  |         |
|--|---------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... | 187,000 |
|--|---------|

## SOURCE OF FUNDS:

- |   |         |
|---|---------|
| (1) Alabama State Board of Public<br>Accountancy Fund ..... | 187,000 |
|---|---------|

As provided in Title 34, Chapter 1,  
Section 22, 1975 Code of Ala-  
bama.

In addition to the amounts appro-  
priated hereinabove to the State  
Board of Public Accountancy,  
there is hereby appropriated  
such an amount as may be neces-  
sary to pay the refund of any ap-  
plication for license which may  
have been rejected by the Board  
of withdrawn by request of  
applicant.

Total Alabama State Board of Pub- lic Accountancy .....	<u>187,000</u>	<u>187,000</u>
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## 3. Adjustment, Board of:

- |                                   |         |
|-----------------------------------|---------|
| (a) Special Services Program .... | 165,000 |
|-----------------------------------|---------|

## SOURCE OF FUNDS:

- |   |        |
|---|--------|
| (1) State General Fund for the<br>General Fund Contribution to<br>the total expenditure of \$350,000<br>pursuant to Title 41, Chapter 9,<br>Section 73, 1975 Code of Ala-<br>bama ..... | 15,000 |
|---|--------|

- |   |                |
|---|----------------|
| (2) State General Fund for expen-<br>ditures as provided in Title 31,<br>Chapter 3 and Title 36, Chapter<br>30, Article 1, 1975 Code of Ala-<br>bama, Estimated ..... | <u>150,000</u> |
|---|----------------|

Total Board of Adjustment .....	<u>165,000</u>	<u>165,000</u>
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## 4. Aeronautics, Department of:

- |   |         |
|---|---------|
| (a) Airport Development and<br>Aeronautical Support Program | 625,387 |
|---|---------|

The appropriation to the Depart-  
ment of Aeronautics shall in-  
clude a transfer to the State Per-  
sonnel Department of \$266.

## SOURCE OF FUNDS:

- |                                 |         |
|---------------------------------|---------|
| (1) Airport Development Fund .. | 625,387 |
|---------------------------------|---------|

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As provided by Title 4, Chapter 2,  
Section 42, 1975 Code of Ala-  
bama .....

Total Department of Aeronautics	625,387	625,387
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5. Aging, Commission on:

(a) Planning and Advocacy for El- derly Program .....		13,475,247
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The appropriation to the Commis-  
sion on Aging shall include a  
transfer to the State Personnel  
Department of \$852.

(b) Retired Senior Volunteer Pro- gram .....		339,000
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In addition to the programs currently  
funded by the funds allocated to  
the Retired Senior Citizens Volun-  
teer Programs, the following pro-  
grams will receive the same pro  
rata share of the total appropria-  
tion as received by the Retired  
Senior Citizens Volunteer Pro-  
grams: Foster Grandparent  
Program-Decatur; Foster Grand-  
parent Program-Birmingham;  
Foster Grandparent Program-  
Russellville; Foster Grandparent  
Program-Mobile; and the Senior  
Companion Program-Mobile.

SOURCE OF FUNDS:

(1) State General Fund Transfer	1,117,864		
(2) Federal, Local and Miscellane- ous Funds .....		12,696,383	
Total Commission on Aging .....	1,117,864	12,696,383	13,814,247

6. Agricultural Center Board:

(a) Agricultural Development Services Program .....		577,040
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The appropriation to the Agricul-  
tural Center Board shall include  
a transfer to the State Personnel  
Department of \$692.

SOURCE OF FUNDS:

(1) State General Fund .....	120,000		
For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.			
(2) State General Fund Transfer	308,840		
(3) Livestock Coliseum Fund ....		148,200	
Total Agricultural Center Board .	428,840	148,200	577,040

7. Agricultural and Industrial  
Exhibit Commission, Alabama:

(a) Agricultural Development Services Program .....	31,428
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## SOURCE OF FUNDS:

(1) State General Fund .....	31,428	
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Total Alabama Agricultural and Industrial Exhibit Commission	31,428	31,428
---	--------	--------

8. Agriculture and Industries, De-  
partment of:

(a) Administrative Services Pro- gram .....	1,131,743
--	-----------

(b) Agricultural Inspection Ser- vices Program .....	10,104,143
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(c) Laboratory Analysis and Dis- ease Control Program .....	3,420,097
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(d) Agricultural Development Services Program .....	636,006
--	---------

The appropriation to the Depart-  
ment of Agriculture and Indus-  
tries shall include a transfer to  
the State Personnel Department  
of \$22,897.

## SOURCE OF FUNDS:

(1) State General Fund Transfer	6,817,139
---------------------------------	-----------

(2) Federal, Local and Miscellane- ous Funds .....	2,167,180
---	-----------

(3) Shipping Point Inspection Fund .....	4,207,020
---	-----------

Pursuant to Title 2, Chapter 9, Sec-  
tions 20 and 21, 1975 Code of  
Alabama. All fees and charges  
collected by the Commissioner of  
Agriculture and Industries and  
deposited into said fund, and  
such appropriation to the De-  
partment of Agriculture and In-  
dustries shall include all fees and  
charges collected and deposited  
therein for Shipping Point In-  
spection, grading and classifica-  
tion services for agricultural  
products including services fur-  
nished for weighing and issuing  
weight certificates to be used for  
the sale of agricultural com-  
modities.

(4) Agricultural Fund .....	2,100,650
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Total Department of Agriculture and Industries .....	6,817,139	8,474,850	15,291,989
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In addition to the above appropriation there is hereby appropriated \$2,000,000 to the Department of Agriculture and Industries for Capital Outlay for the Farmer's Market in Montgomery to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

9. Alcoholic Beverage Control Board, Alabama:

(a) Alcoholic Beverage Management Program .....	26,536,720
(b) Licensing, Regulation and Enforcement Program .....	5,742,662
(c) Administrative Services Program .....	4,090,728

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$61,344, and to Mental Health of \$1,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund .....	36,370,110
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board .....	36,370,110	36,370,110
10. Architects Board for Registration of:		
(a) Professional and Occupational Licensing and Regulation Program .....		111,300
The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$106.		
SOURCE OF FUNDS:		
(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 .....	111,300	
Total Board of Registration of Architects .....	111,300	111,300
11. Archives and History:		
(a) Historical Resources Management Program .....		1,027,322
SOURCE OF FUNDS:		
(1) State General Fund .....	1,012,322	
(2) Federal, Local and Miscellaneous Funds .....	15,000	
Total Archives and History .....	1,012,322	1,027,322
12. Attorney General, Office of the:		
(a) Legal Advice and Legal Services Program .....		4,858,336
(b) Fair Marketing Practices Program .....		382,590
SOURCE OF FUNDS:		
(1) State General Fund .....	3,927,995	
(2) Transfer from Pensions and Security .....	622,609	
(3) Federal, Local and Miscellaneous Funds .....	690,322	
Total Office of the Attorney General .....	3,927,995	1,312,931
In addition to the above appropriation, there is hereby appropriated \$14,136 to the Attorney General's Office to be conditioned		5,240,926

on the availability of funds in the  
State General Fund and upon the  
approval of the Governor.

13. Auditor, State:

(a) Fiscal Management Program 762,157

SOURCE OF FUNDS:

(1) State General Fund ..... 762,157

Total State Auditor ..... 762,157 762,157

14. Banking Department, State:

(a) Charter, License, and Regulate  
Financial Institutions Program 2,156,850

The appropriation to the State  
Banking Department shall in-  
clude a transfer to the State Per-  
sonnel Department of \$2,449.

SOURCE OF FUNDS:

(1) Banking Assessment Fees ... 1,682,338

As provided in Title 5, Chapter 1,  
Section 5, 1975 Code of Alabama.

(2) Bureau of Credit Unions .... 197,267

As provided in Title 5, Chapter 2,  
Article 5, Divisions 1 and 2, 1975  
Code of Alabama.

(3) Loan Examination Fund .... 277,245

As provided in Title 5, Chapter 18,  
Sections 1-24, 1975 Code of Ala-  
bama.

Total State Banking Department 2,156,850 2,156,850

15. Bar Association, Alabama  
State:

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 716,385

SOURCE OF FUNDS:

(1) State Bar Association Fund, as  
provided in Title 34, Chapter 3  
1975 Code of Alabama ..... 716,385

Total Alabama State Bar Associa-  
tion ..... 716,385 716,385

16. Bear Creek Development Au-  
thority:

(a) Water Resource Development  
Program ..... 192,918

SOURCE OF FUNDS:

(1) State General Fund .....	26,093		
(2) Federal, Local and Miscellaneous Funds .....		166,825	
Total Bear Creek Development Authority .....	26,093	166,825	192,918
17. Brierfield Ironworks Park:			
(a) Outdoor Recreation Sites and Services Program .....			102,597
SOURCE OF FUNDS:			
(1) State General Fund .....	25,000		
(2) Federal, Local and Miscellaneous Funds .....		77,597	
Total Brierfield Ironworks Park ..	25,000	77,597	102,597
18. Building Commission:			
(a) Special Services Program ....			846,585
The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$373.			
SOURCE OF FUNDS:			
(1) State General Fund .....	252,383		
(2) Federal, Local and Miscellaneous Funds .....		594,202	
Total Building Commission .....	252,383	594,202	846,585
19. Cahaba—Advisory Committee:			
(a) Historical Resources Management Program .....			25,000
SOURCE OF FUNDS:			
(1) State General Fund .....	25,000		
Total Cahaba Advisory Committee .....	25,000		25,000
In addition to the above appropriation there is hereby appropriated \$250,000 to the Cahaba—Advisory Committee for capital outlay to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.			
20. Chiropractic Examiners, Alabama State Board Of:			
(a) Professional and Occupational Licensing and Regulation Program .....			31,500



SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama .....	31,500	
Total Alabama State Board of Chiropractic Examiners .....	31,500	31,500

21. Civil Defense, Department of:

(a) Readiness and Recovery Pro- gram .....	2,366,609
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The appropriation to the Depart-  
ment of Civil Defense shall in-  
clude a transfer to the State Per-  
sonnel Department of \$1,438.

SOURCE OF FUNDS:

(1) State General Fund .....	567,962		
(2) Federal, Local and Miscellane- ous Funds .....		1,798,647	
Total Department of Civil Defense	567,962	1,798,647	2,366,609

22. Coastal Area Board, Alabama:

(a) Coastal Area Management Program .....	704,500
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The appropriation to the Alabama  
Coastal Area Board shall include  
a transfer to the State Personnel  
Department of \$373.

SOURCE OF FUNDS:

(1) State General Fund—Transfer .....	48,500		
(2) Federal, Local and Miscellane- ous Funds .....		656,000	
Total Alabama Coastal Area Board	48,500	656,000	704,500

23. Conservation and Natural Re-  
sources, Department of:

(a) Wildlife and Game Program ..	11,633,496
(b) State Land Management Pro- gram .....	544,206
(c) Outdoor Recreation Sites and Services Program .....	13,074,886
(d) Administrative Services Pro- gram .....	2,186,038
(e) Marine Police Management Program .....	1,700,000

(f) Marine Resources Management Program .....	1,302,308
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The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$29,926.

#### SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,100,000
(2) Game and Fish Fund .....	11,533,496
(3) State Lands Fund .....	544,206

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund .....	1,302,308
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(5) Marine Police Fund .....	1,700,000
(6) State Parks Fund .....	10,674,886

The appropriation to the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion.

(7) Administrative Funds .....	2,186,038
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The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.

(8) Cigarette Tax .....		<u>400,000</u>	
Total Department of Conservation and Natural Resources .....	<u>2,100,000</u>	<u>28,340,934</u>	<u>30,440,934</u>

In addition to the above appropriation there is hereby appropriated \$2,160,642 to Frank Jackson Park to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

In addition to the above appropriation there is hereby appropriated \$500,000 for the purchase and development of Camp Cosby property for a state park in Jefferson County to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

24. Contractors, State Licensing Board for General:

(a) Professional and Occupational Licensing and Regulation Program .....			228,902
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The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$319.

SOURCE OF FUNDS:

(1) State Licensing Board of General Contractors Fund .....		228,902	
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Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated herein above to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have rejected by the Board or application withdrawn by request of applicant .....

Total State Licensing Board for General Contractors .....		<u>228,902</u>	<u>228,902</u>
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25. Corrections, Board of:

(a) Administrative Services and Logistical Support Program ...	10,311,811
(b) Institutional Services Corrections Program .....	61,222,679
(c) Correctional Industries Program .....	6,862,533

The appropriation to the Board of Corrections shall include a transfer to the State Personnel Dept. of \$68,053.

#### SOURCE OF FUNDS:

(1) State General Fund—Transfer	72,928,973
(2) Federal, Local and Miscellaneous Funds .....	1,968,050
(3) Board of Corrections Fund ...	3,500,000

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections' operations are also hereby appropriated.

Total Board of Corrections .....	<u>72,928,973</u>	<u>5,468,050</u>	<u>78,397,023</u>
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In addition to the above appropriation there is hereby appropriated \$5,423,866 to the Board of Corrections to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

#### 26. Cosmetology, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	384,500
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$479.

#### SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund .....	384,500
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As provided in Title 34, Chapter 7,  
1975 Code of Alabama .....

Total Alabama Board of Cosmetology .....	384,500	384,500
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27. Counseling, Alabama Board of  
Examiners in:

(a) Professional and Occupational Licensing and Regulation Program .....	22,000
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund .....	22,000
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As provided in Title 34, Chapter  
8A, 1975 Code of Alabama.

Total Alabama Board of Examiners in Counseling .....	22,000	22,000
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28. Criminal Justice Information  
System, Alabama:

(a) Criminal Justice Information Services Program .....	2,778,248
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The appropriation to the Alabama  
Criminal Justice Information  
System shall include a transfer to  
the State Personnel Department  
of \$2,662.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,294,648
(2) Federal, Local and Miscellaneous Funds .....	483,600

Total Alabama Criminal Justice Information System .....	2,294,648	483,600	2,778,248
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29. Dairy Commission, Alabama:

(a) Regulatory Services Program	369,400
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The appropriation to the Alabama  
Dairy Commission shall include  
a transfer to the State Personnel  
Dept. of \$532.

SOURCE OF FUNDS:

(1) Alabama Dairy Commission Fund .....	369,400
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As provided in Title 2, Chapter 13,  
1975 Code of Alabama.

Total Alabama Dairy Commission	369,400	369,400
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30. Development Office, Alabama:

(a) Industrial Development Program .....	2,559,000
(b) Administrative Services Program—Office of Minority Business .....	160,395
(c) Alabama Film Commission—Promotional Development Program .....	220,000

The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$1,757.

#### SOURCE OF FUNDS:

(1) State General Fund—Transfer Alabama Development Office ..	2,509,000		
(2) State General Fund—Transfer Office of Minority Business ...	100,000		
(3) State General Fund—Transfer Alabama Film Commission ...	220,000		
(4) Federal, Local and Miscellaneous Funds .....		110,395	
Total Alabama Development Office .....	2,829,000	110,395	2,939,395

#### 31. District Attorneys:

(a) Court Operations Program ..	8,131,568
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The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys .....1,579,760

Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit .....39,303

For use of the Elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit .....101,310

Salaries and expenses of Supernumerary District Attorneys .....669,811

For use in the District Attorney's Office of the 1st Judicial Circuit .....87,367

For use in the District Attorney's Office of the 2nd Judicial Circuit .....74,675

For use in the District Attorney's Office of the 3rd Judicial Cir- cuit .....	117,548
For use in the District Attorney's Office in the 4th Judicial Cir- cuit .....	329,606
For use in the District Attorney's Office of the 5th Judicial Cir- cuit .....	274,842
For use in the District Attorney's Office of the 6th Judicial Cir- cuit .....	239,993
For use in the District Attorney's Office of the 7th Judicial Cir- cuit .....	142,743
For use in the District Attorney's Office of the 8th Judicial Cir- cuit .....	114,746
For use in the District Attorney's Office of the 9th Judicial Cir- cuit .....	108,676
For use in the District Attorney's Office of the 10th Judicial Cir- cuit .....	368,687
For use in the District Attorney's Office of the 11th Judicial Cir- cuit .....	94,375
For use in the District Attorney's Office of the 12th Judicial Cir- cuit .....	201,354
For use in the District Attorney's Office of the 13th Judicial Cir- cuit .....	354,021
For use in the District Attorney's Office of the 14th Judicial Cir- cuit .....	99,456
For use in the District Attorney's Office of the 15th Judicial Cir- cuit .....	351,306
For use in the District Attorney's Office of the 16th Judicial Cir- cuit .....	159,900
For use in the District Attorney's Office of the 17th Judicial Cir- cuit .....	60,639
For use in the District Attorney's Office of the 18th Judicial Cir- cuit .....	176,804

For use in the District Attorney's Office of the 19th Judicial Cir- cuit .....	104,964
For use in the District Attorney's Office of the 20th Judicial Cir- cuit .....	153,861
For use in the District Attorney's Office of the 21st Judicial Cir- cuit .....	117,291
For use in the District Attorney's Office of the 22nd Judicial Cir- cuit .....	99,528
For use in the District Attorney's Office of the 23rd Judicial Cir- cuit .....	257,953
For use in the District Attorney's Office of the 24th Judicial Cir- cuit .....	93,288
For use in the District Attorney's Office of the 25th Judicial Cir- cuit .....	88,607
For use in the District Attorney's Office of the 26th Judicial Cir- cuit .....	156,368
For use in the District Attorney's Office of the 27th Judicial Cir- cuit .....	118,735
For use in the District Attorney's Office of the 28th Judicial Cir- cuit .....	114,405
For use in the District Attorney's Office of the 29th Judicial Cir- cuit .....	150,000
For use in the District Attorney's Office of the 30th Judicial Cir- cuit .....	150,939
For use in the District Attorney's Office of the 31st Judicial Cir- cuit .....	91,500
For use in the District Attorney's Office of the 32nd Judicial Cir- cuit .....	90,213
For use in the District Attorney's Office of the 33rd Judicial Cir- cuit .....	84,746
For use in the District Attorney's Office of the 34th Judicial Cir- cuit .....	45,331



For use in the District Attorney's  
Office of the 35th Judicial Cir-  
cuit .....61,521

For use in the District Attorney's  
Office of the 36th Judicial Cir-  
cuit .....75,129

For use in the District Attorney's  
Office of the 37th Judicial Cir-  
cuit .....100,353

For use in the District Attorney's  
Office of the 38th Judicial Cir-  
cuit .....113,991

For use in the District Attorney's  
Office of the 39th Judicial Cir-  
cuit .....40,923

Appropriations of salaries of per-  
sonnel Established by Statute  
are estimated.

Travel Expense of District Attor-  
neys 75,000  
8,131,568

SOURCE OF FUNDS:

(1) State General Fund .....	<u>8,131,568</u>	
Total District Attorneys .....	<u>8,131,568</u>	<u>8,131,568</u>

In addition to the above appropria-  
tion, there is hereby appropri-  
ated \$458,408 to the District At-  
torneys to be conditioned on the  
availability of funds in the State  
General Fund and upon approval  
of the Governor.

32. Energy, Department of:

(a) Energy Management Program	6,025,612
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The appropriation to the Depart-  
ment of Energy shall include a  
transfer to the State Personnel  
Department of \$1,438.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	625,612	
(2) Federal, Local and Miscellane- ous Funds .....		<u>5,400,000</u>
Total Department of Energy ....	<u>625,612</u>	<u>5,400,000</u> <u>6,025,612</u>

33. Engineers and Land Sur-  
veyors, State Board of Registra-  
tion for Professional:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	251,229
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The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$266.

**SOURCE OF FUNDS:**

(1) Professional Engineers' Fund.	251,229
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As provided in Title 34, Chapter 11, 1975 Code of Alabama, as amended and Act No. 1049 1975 Regular Session.

Total State Board of Registration for Professional Engineers and Land Surveyors .....	251,229	251,229
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**34. Ethics Commission, Alabama:**

(a) Regulation of Public Officials and Employees Program .....	233,024
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**SOURCE OF FUNDS:**

(1) State General Fund .....	233,024
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Total Alabama Ethics Commission	233,024	233,024
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**35. Farmers' Market Authority:**

(a) Agricultural Development Services Program .....	166,672
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**SOURCE OF FUNDS:**

(1) State General Fund—Transfer For Administration .....	86,672
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(2) Farmers' Market Authority Fund—Revenue and Capital Outlay Account .....	80,000
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Total Farmers' Market Authority	86,672	80,000	166,672
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In addition to the above appropriation there is hereby appropriated \$250,000 to the Farmers' Market Authority for Capital Outlay and \$150,000 to the Perry County Farmers' Market Authority for Capital Outlay both to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

**36. Finance, Department of:**

(a) Fiscal Management Program	2,757,546
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(b) Administrative Support Services Program .....	4,323,405
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>7,080,951</u>	
Total Department of Finance ....	<u>7,080,951</u>	<u>7,080,951</u>

In addition to the above appropriation to the Department of Finance, there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

37. Finance, Department of—Air Transportation Division:

(a) Administrative Support Services Program .....	2,050,308
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,000,000		
(2) Departmental Receipts .....		<u>50,308</u>	
Total Department of Finance—Air Transportation Division .....	<u>2,000,000</u>	<u>50,308</u>	<u>2,050,308</u>

38. Forensic Sciences, Department of:

(a) Forensic Science Services Program .....	3,883,717
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The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$4,260.

SOURCE OF FUNDS:

(1) State General Fund .....	3,833,217		
(2) Federal, Local and Miscellaneous Fund .....		<u>50,500</u>	
Total Department of Forensic Sciences .....	<u>3,833,217</u>	<u>50,500</u>	<u>3,883,717</u>

In addition to the above appropriation there is hereby appropriated \$350,000 to the Department of Forensic Sciences to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

39. Foresters, Alabama State Board of Registration for:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	17,900
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## SOURCE OF FUNDS:

(1) Professional Foresters' Fund .	17,900		
As provided in Title 34, Chapter 12, 1975 Code of Alabama.			
Total Alabama State Board of Reg- istration for Foresters .....		17,900	17,900

40. Forestry Commission, Ala-  
bama:

(a) Forest Resource Protection Program .....	10,002,268
(b) Forest Resource Management and Development Program ....	2,124,639
(c) Education and Information Program .....	512,560
(d) Administrative Services Pro- gram .....	1,730,364

The appropriation to the Alabama  
Forestry Commission shall in-  
clude a transfer to the State Per-  
sonnel Department of \$24,495.

## SOURCE OF FUNDS:

(1) State General Fund—Transfer	8,699,521		
(2) Federal and Local Funds ....		2,300,700	
(3) Forestry Commission Fund ..		3,369,610	

It is provided that in the event re-  
ceipts into the Forestry Commis-  
sion Funds relating to federal  
grants, county appropriations,  
seedling price increases, contri-  
butions, and inter-department  
transfers exceed amounts origi-  
nally appropriated for these  
sources of funds such excess re-  
ceipts are hereby appropriated.  
Of the above appropriation  
\$400,000 shall be used for rural  
and community fire protection.

Total Alabama Forestry Commis- sion .....	8,699,521	5,670,310	14,369,831
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In addition to the above appropria-  
tion there is hereby appropriated  
\$2,000,000 to the Alabama  
Forestry Commission to be condi-  
tional upon the availability of  
funds in the State General Fund

and upon the approval of the Governor. Of such conditional appropriation released, twenty-five percent (25%) shall be expended by the Alabama Forestry Commission for rural and Community Fire Protection.

41. Fort Morgan—Alabama Historical Commission:

(a) Historical Resources Management Program .....	625,547
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SOURCE OF FUNDS:

(1) State General Fund .....	125,547		
(2) Federal, Local and Miscellaneous Funds .....		500,000	
Total Alabama Historical Commission—Fort Morgan ....	125,547	500,000	625,547

In addition to the above appropriation there is hereby appropriated \$500,000 to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

42. Funeral Services, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	91,500
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund .....	91,500
As provided in Title 34, Chapter 13, 1975 Code of Alabama .....	
Total Alabama Board of Funeral Services .....	91,500

43. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program .....	2,508,878
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The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,940.

SOURCE OF FUNDS:

(1) State General Fund .....	1,388,724
(2) Federal, Local and Miscellaneous Funds .....	1,120,154

Total Geological Survey .....	<u>1,388,724</u>	<u>1,120,154</u>	<u>2,508,878</u>
44. Gorgas Memorial Board:			
(a) Historical Resources Management Program .....			11,200
SOURCE OF FUNDS:			
(1) State General Fund .....	9,700		
As provided in Title 41, Chapter 9, Section 220 1975 Code of Alabama and an additional amount.			
(2) Federal, Local and Miscellaneous Funds .....		<u>1,500</u>	
Total Gorgas Memorial Board ...	<u>9,700</u>	<u>1,500</u>	<u>11,200</u>
45. Governor's Office:			
(a) Executive Direction Program .....			1,378,230
SOURCE OF FUNDS:			
(1) State General Fund .....	<u>1,378,230</u>		
Total Governor's Office .....	<u>1,378,230</u>		<u>1,378,230</u>
46. Governor's Office—Legal:			
(a) Executive Direction Program .....			120,000
SOURCE OF FUNDS:			
(1) State General Fund .....	<u>120,000</u>		
Total Governor's Office—Legal ..	<u>120,000</u>		<u>120,000</u>
47. Governor's Contingency Fund:			
(a) Executive Direction Program .....			352,200
SOURCE OF FUNDS:			
(1) State General Fund .....	<u>352,200</u>		
Total Governor's Contingency Fund .....	<u>352,200</u>		<u>352,200</u>
48. Governor's Mansion:			
(a) Executive Direction Program .....			209,271
SOURCE OF FUNDS:			
(1) State General Fund .....	<u>209,271</u>		
Total Governor's Mansion .....	<u>209,271</u>		<u>209,271</u>
49. Governor's Mansion Advisory Board:			
(a) Executive Direction Program .....			10,000
SOURCE OF FUNDS:			
(1) State General Fund .....	<u>10,000</u>		

Total Governor's Mansion Advisory Board .....	10,000	10,000
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50. Health, Department of Public:

(a) Administrative Services Program .....	3,874,716
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(b) Health Support Services Program .....	37,972,571
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Of this amount, \$7,738,688 shall go to the local health departments with each of the 67 departments receiving a base of \$40,000 and the remaining amount distributed equally on a per capita basis, based on the 1980 census.

(c) Personal Health Improvement Program .....	36,071,875
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(d) Environmental Health Improvement Program .....	8,841,115
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(e) Special Services Program ....	2,757,553
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(f) Health Planning, Development and Regulation Program .....	1,481,107
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(g) University of Alabama in Birmingham—Biomedical Sciences Program .....	325,000
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The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$102,932.

SOURCE OF FUNDS:

(1) State General Fund .....	20,474,365
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(2) Cigarette Tax—\$.01 .....	1,900,000
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As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.

(3) Cigarette Tax—\$.02 .....	2,200,000
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As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.

(4) Vital Statistics Fund .....	1,049,749
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(5) Hospital Licensing Fund ....	205,700
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(6) Emergency Medical Services Fund .....	30,000
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As provided in Title 22, Chapter 18, Sections 1—7, 1975 Code of Alabama.

(7) Local Health Departments ...	24,951,684		
(8) Air Pollution Fines .....	30,000		
(9) Nuclear Monitoring Fund ...	20,000		
(10) Miscellaneous Fund .....	2,936,438		
(11) Federal Funds .....	37,526,001		
Total Department of Public Health	<u>20,474,365</u>	<u>70,849,572</u>	<u>91,323,937</u>

In addition to the above appropriation there is thereby appropriated \$215,000 to the Department of Public Health for the Mobile Branch Laboratory and \$38,000 to the State Virology Laboratory in Jefferson County located at the University of Alabama Medical Center and \$55,000 to the Department of Public Health for Phenylketonuria Children Program (PKU) to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriation to the Dept. of Public Health, there is hereby appropriated \$1,000,000 to the Personal Health Improvement Program for maternal and child health care to be conditioned upon the availability of funds in the State General Fund and upon approval of the Governor.

51. Health Planning and Development Agency, State:

(a) Health Planning, Development and Regulation Program .....	954,270
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The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of \$1,384.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	278,741		
(2) Federal, Local and Miscellaneous Funds .....		<u>675,529</u>	
Total State Health Planning and Development Agency .....	<u>278,741</u>	<u>675,529</u>	<u>954,270</u>

52. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	23,000
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SOURCE OF FUNDS:

(1) State Board of Health—Hearing Aid Fund .....	23,000
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As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.

Total Alabama Board of Hearing Aid Dealers .....	<u>23,000</u>	<u>23,000</u>
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53. Highway Department:

(a) Central Administration Program .....	7,693,436
(b) Division and District Supervision Program .....	14,686,325
(c) Operations & Support Services Program .....	6,050,711
(d) Maintenance Program .....	65,804,608
(e) Non-Programmatic Expenditures .....	95,157,645

Proposed Spending Plan for the above (e) includes the following:

Debt Service .....94,786,663  
Equipment—Other than Automotive .....370,982

(f) Construction—Federal Aid Program .....	214,609,000
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Proposed Spending Plan for the above (f) includes the following:

Federal Aid Matching ..31,041,000  
Non-Participating Work on Federal Aid Projects .....1,000,000  
Federal Aid .....182,568,000

(g) Construction—State Program .....	4,434,907
(h) Operations—Land and Building .....	706,800

The appropriation to the Highway Department shall include a transfer to the State Personnel Department of \$183,819.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	75,000
(2) Public Road and Bridge Fund	176,470,432
(3) Federal Aid .....	232,598,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$94,786,663 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this

section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department . . . . .	75,000	409,068,432	409,143,432
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54. Highway and Traffic Safety,  
Office of:

(a) Traffic Control and Accident Prevention Program . . . . .			2,349,828
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The appropriation to the Office of  
Highway and Traffic Safety shall  
include a transfer to the State  
Personnel Department of \$532.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	64,524		
(2) Federal Funds . . . . .		2,285,304	
Total Office of Highway and Traffic Safety . . . . .	64,524	2,285,304	2,349,828

55. Historic Chattahoochee Com-  
mission:

(a) Historical Resources Manage- ment Program . . . . .			119,305
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	70,505		
(2) Federal, Local and Miscellane- ous Funds . . . . .		48,800	

Total Historic Chattahoochee Commission .....	70,505	48,800	119,305
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56. Historical Commission, Alabama:

(a) Historical Resources Management Program .....			1,491,226
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The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$1,704.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	436,330		
(2) Federal, Local and Miscellaneous Funds .....		1,054,896	

Total Alabama Historical Commission .....	436,330	1,054,896	1,491,226
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57. Industrial Relations, Department of

(a) Skills Enhancement and Employment Opportunities Program .....			16,015,336
(b) Unemployment Compensation Program .....			26,531,551
(c) Administrative Services Program .....			7,431,843
(d) Industrial Safety and Accident Prevention Program .....			5,581,836

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$105,328.

SOURCE OF FUNDS:

(1) State General Fund .....	877,523		
(2) Federal, Local and Miscellaneous Funds .....		54,683,043	

Total Department of Industrial Relations .....	877,523	54,683,043	55,560,566
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58. Insurance Board, State Employees:

(a) Administrative Support Services Program .....			85,012
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SOURCE OF FUNDS:

(1) State General Fund .....	85,012		
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Total State Employees' Insurance Board .....	85,012		85,012
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## 59. Insurance, Department of:

## (a) Regulatory Services Program

2,439,896

The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$3,088.

## SOURCE OF FUNDS:

(1) State General Fund .....	1,259,670		
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(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, 1975 Code of Alabama .....		970,300	
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(3) Fire Marshals' Fund .....		209,926	
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As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.

Total Department of Insurance ..	1,259,670	1,180,226	2,439,896
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## 60. Labor, Department of:

## (a) Regulatory Services Program

330,148

## SOURCE OF FUNDS:

(1) State General Fund .....	295,148		
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(2) Federal, Local and Miscellaneous Funds .....		35,000	
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Total Department of Labor .....	295,148	35,000	330,148
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## 61. LaGrange Historical Site—Alabama Historical Commission:

## (a) Historical Resources Management Program .....

6,126

## SOURCE OF FUNDS:

(1) State General Fund .....	2,076		
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As provided in Title 41, Chapter 9, Section 270, 1975 Code of Alabama.

(2) Federal and Local Funds ....		4,050	
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Total Alabama Historical Commission—LaGrange Historical Site .....	2,076	4,050	6,126
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## 62. Landscape Architects, Board of Examiners of:

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(a) Professional and Occupational Licensing and Regulation Program .....	7,675
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SOURCE OF FUNDS:

(1) Landscape Architects Fund ..	7,675	
As provided in Title 34, Chapter 17, 1975 Code of Alabama.		
Total Board of Examiners of Land- scape Architects .....	7,675,	7,675

63. Law Enforcement Planning  
Agency, Alabama:

(a) Law Enforcement Planning and Development Program ....	3,445,990
(b) Glory House For Boys .....	40,000

The appropriation to the Alabama  
Law Enforcement Planning  
Agency shall include a transfer  
to the State Personnel Depart-  
ment of \$958.

SOURCE OF FUNDS:

(1) State General Fund—Transfer for Matching Federal Funds ...	282,145	
(2) Federal, Local and Miscellane- ous Funds .....	3,203,845	
Total Alabama Law Enforcement Planning Agency .....	282,145	3,485,990

64. Liquefied Petroleum Gas  
Board:

(a) Regulatory Services Program	201,900
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The appropriation to the Liquefied  
Petroleum Gas Board shall in-  
clude a transfer to the State Per-  
sonnel Department of \$266.

SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund .....	201,900	
Total Liquefied Petroleum Gas Board .....	201,900	201,900

65. Medicaid Agency, Alabama:

(a) Medical Assistance through Medicaid Program .....	391,720,625
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The appropriation to the Alabama  
Medicaid Agency shall include a  
transfer to the State Personnel  
Department of \$11,182.

## SOURCE OF FUNDS:

(1) State General Fund—Transfer	88,600,000		
(2) Transfer—Pensions & Security .....		1,064,400	
(3) Transfer from Mental Health		30,851,625	
(4) Federal, Local and Miscellaneous Funds .....		<u>271,204,600</u>	
Total Alabama Medicaid Agency	<u>88,600,000</u>	<u>303,120,625</u>	<u>391,720,625</u>

In addition to the above appropriation there is hereby appropriated \$4,400,000 to the Alabama Medicaid Agency to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

## 66. Mental Health, Department of:

(a) Institutional Treatment and Care—Mental Illness Program	71,452,865
(b) Institutional Treatment and Care—Mental Retardation Program .....	57,942,594
(c) Institutional Treatment and Care—Criminally Insane Program .....	3,390,349
(d) Non-Institutional Treatment and Care Program .....	33,801,263
(Of this amount, \$14,477,283 shall be used for Community Programs. Of this \$14,477,283, \$100,000 shall be appropriated to the River Bend Mental Health Center for Alcohol Treatment for capital outlay.)	
(e) Administrative Services Program .....	3,782,197

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$256,665.

## SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund .....	97,118,850
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For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized

at time of receiving drugs at Alabama State Hospitals.

(2) Special Mental Health Trust Fund—Community Programs .	14,477,283
(3) Transfer from ABC Profits ..	1,000,000
(4) Cigarette Tax—\$.01 .....	930,000
(5) Cigarette Tax—\$.02 .....	4,825,000
(6) Federal, Local and Miscellaneous Funds .....	<u>52,018,135</u>
Total Department of Mental Health .....	170,369,268 170,369,268

In addition to the above appropriation there is hereby appropriated \$14,787,525 to the Department of Mental Health to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriations, there is hereby appropriated \$5,659,265 to the Department of Mental Health to be conditional on the availability of funds enumerated in the Sources of Funds numbered one (1) through five (5) above on lines twelve (12) through twenty-six (26) and upon the approval of the Governor.

It is the intent of the Legislature that the Governor shall not release more than a total of \$14,787,525 in conditional appropriations to the Department of Mental Health from any source.

67. Military Department:

(a) Military Operations Program	4,791,032
(b) Capital Outlay .....	902,997

SOURCE OF FUNDS:

(1) State General Fund—Operations .....	1,404,532
(2) State General Fund—Quarterly Allowances Headquarters—Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters .....	1,031,000
(3) State General Fund—Transfer—Capital Outlay for Architect and Engineering Services and specifications and construction of facilities .....	902,997
(4) State General Fund—Active Military Service .....	130,628
(5) State General Fund—Transfer to Armory Commission .....	2,214,872

(6) State General Fund—Dropping Allowance .....	10,000	
Total Military Department .....	5,694,029	5,694,029
68. Armory Commission of Alabama:		
(a) Military Operations Program		3,334,548

## SOURCE OF FUNDS:

(1) Transfer from Military Department .....	2,214,872
(2) Federal, Local and Miscellaneous Funds .....	1,119,676

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama .....	3,334,548	3,334,548
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## 69. Nursing Home Administrators, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program .....	31,000
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## SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund ...	31,000
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As provided in Title 34, Chapter 20, 1975 Code of Alabama.

Total Board of Examiners of Nursing Home Administrators .....	31,000	31,000
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## 70. Oil and Gas Board:

(a) Management and Regulation of Oil and Gas Exploration and Development Program .....	1,330,934
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,330,934</u>	
Total Oil and Gas Board .....	1,330,934	1,300,934

## 71. Pardons and Parole, Board of:

(a) Administration of Pardons and Paroles Program .....	7,751,740
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The appropriation to the Board of Pardons and Parole shall include a transfer to the State Personnel Department of \$10,171.

SOURCE OF FUNDS:

(1) State General Fund .....	6,383,913		
(2) Probationers Upkeep Fund ..		1,263,488	
(3) Federal, Local and Miscellaneous Funds .....		104,339	
Total Board of Pardons and Parole	<u>6,383,913</u>	<u>1,367,827</u>	<u>7,751,740</u>

72. Peace Officers' Annuity and Benefit Fund, Alabama:

(a) Retirement Systems Program		188,800	
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama .....		188,800	
Total Alabama Peace Officers' Annuity and Benefit Fund .....		<u>188,800</u>	<u>188,800</u>

73. Pensions and Security:

(a) Economic Assistance Program		154,452,009	
(b) Social Services Program .....		83,007,087	

Of the above appropriation, foster parents shall receive monthly payments for the care of children at the following rates based on the ages of the children: 0-2 years, \$153; 3-5 years, \$162; 6-12 years, \$171; and 13 years and over, \$180. Of the above appropriation, at least \$10,000,000 shall be dedicated to the foster care program. The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$217,952.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,419,336		
(2) Federal, Local and Miscellaneous Funds .....		162,356,334	
(3) ABC Profits .....		1,931,457	
(4) Whiskey Tax .....		19,560,705	
(5) Beer Tax .....		7,597,000	
(6) Pension Residue .....		8,990,000	
(7) Sales Tax .....		1,322,000	
(8) Franchise Tax .....		9,720,000	
(9) Contracts, Service Fees .....		200,000	
(10) Child Support Collections ..		1,900,000	
(11) Sales Tax for Food Stamps ..		14,000,000	
(12) Cigarette Tax .....		4,200,000	

(13) Contractor's Gross Receipts			
Tax .....		3,260,164	
(14) Pension Fund .....		<u>2,100</u>	
Total Pensions and Security .....	<u>2,419,336</u>	<u>235,039,760</u>	<u>237,459,096</u>

In addition to the above appropriation, there is hereby appropriated \$6,314,000 to the Department of Pensions and Security to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriations, there is hereby appropriated \$6,314,000 to the Department of Pensions and Security to be conditional upon the availability of funds enumerated in the Sources of Funds numbered three (3) through fourteen (14) above on lines six (6) through seventeen (17) and upon the approval of the Governor.

It is the intent of the Legislature that the Governor shall not release more than a total of \$6,314,000 in conditional appropriations to the Department of Pensions and Security from any source.

In the event of the passage of Senate Bill 24 or its companion House Bill 67 of the 1982 Regular Session, the Governor is authorized to release sufficient funds from the above conditional appropriations to provide child restraints to foster parents.

#### 74. Personnel Department, State:

(a) Administrative Support Program .....	1,466,333
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#### SOURCE OF FUNDS:

(1) State General Fund—Transfer	131,847
(2) Transfer from Department of Aeronautics .....	266
(3) Transfer from Commission on Aging .....	852
(4) Transfer from Agriculture and Industries .....	22,897
(5) Transfer from Agricultural Center Board .....	692
(6) Transfer from Alcoholic Beverage Control Board .....	61,344
(7) Transfer from Board of Registration of Architects .....	106
(8) Transfer from The State Arts Council .....	532
(9) Transfer from State Banking Department .....	2,449
(10) Transfer from Finance-Alabama Building Authority ..	1,917
(11) Transfer from Finance-Alabama Building Finance Authority .....	1,651

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(12) Transfer from Building Commission .....	373
(13) Transfer from Civil Defense Department .....	1,438
(14) Transfer from Coastal Area Board .....	373
(15) Transfer from Conservation Department .....	29,926
(16) Transfer from State Licensing Board for General Contractors ..	319
(17) Transfer from Board of Corrections .....	68,053
(18) Transfer from Board of Cosmetology .....	479
(19) Transfer from Criminal Justice Information Center .....	2,662
(20) Transfer from Alabama Dairy Commission .....	532
(21) Transfer from Alabama Development Office .....	1,757
(22) Transfer from State Docks ..	31,577
(23) Transfer from Education ...	72,952
(24) Transfer from Department of Energy .....	1,438
(25) Transfer from Board of Registration for Professional Engineers and Land Surveyors ...	266
(26) Transfer from Firefighters Personnel Standards and Education Commission .....	213
(27) Transfer from Department of Forensic Sciences .....	4,260
(28) Transfer from Forestry Commission .....	24,495
(29) Transfer from Geological Survey .....	3,940
(30) Transfer from Health Department .....	102,932
(31) Transfer from State Health Planning and Development Agency .....	1,384
(32) Transfer from Highway Department .....	183,819
(33) Transfer from Highway and Traffic Safety .....	532
(34) Transfer from Alabama Historical Commission .....	1,704

(35) Transfer from Industrial Relations .....	105,328
(36) Transfer from Insurance Department .....	3,088
(37) Transfer from Law Enforcement Planning Agency .....	958
(38) Transfer from Legislative Reference Service .....	1,118
(39) Transfer from Liquefied Petroleum Gas Board .....	266
(40) Transfer from Alabama Medicaid Agency .....	11,182
(41) Transfer from Department of Mental Health .....	256,665
(42) Transfer from Board of Nursing .....	639
(43) Transfer from Pardons and Parole Board .....	10,171
(44) Transfer from Peace Officers Standards and Training Commission .....	160
(45) Transfer from Pensions and Security .....	217,952
(46) Transfer from Physical Fitness Commission .....	213
(47) Transfer from Board of Physical Therapy .....	53
(48) Transfer from Office of State Planning & Federal Programs .	3,088
(49) Transfer from Public Library Service .....	3,088
(50) Transfer from Public Service Commission .....	5,804
(51) Transfer from Publicity and Information .....	3,195
(52) Transfer from Alabama Public Television Network .....	4,260
(53) Transfer from Real Estate Commission .....	852
(54) Transfer from Retirement Systems .....	4,526
(55) Transfer from Department of Revenue .....	53,303
(56) Transfer from Board of Social Work Examiners .....	53
(57) Transfer from Surface Mining Reclamation Commission .....	2,183

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(58) Transfer from Department of Youth Services .....	18,211			
Total State Personnel Department	131,847	1,334,486	1,466,333	

75. Physical Therapy, Board of:

(a) Professional and Occupational Licensing and Regulation Program .....				29,453
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The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$53.

SOURCE OF FUNDS:

(1) Physical Therapist Fund ....	29,453			
As provided in Title 34, Chapter 24, Article 5, 1975 Code of Alabama.				
Total Board of Physical Therapy .	29,453	29,453		

76. Planning and Federal Programs, Office of State:

(a) State Planning Program .....				37,017,286
(b) State Planning Program—Special Projects .....				500,000
(c) Special Services Program ....				5,500,000
(d) Regional Planning Commission Program .....				332,750

The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,876,736			
(2) Federal, Local and Miscellaneous Funds .....		40,473,300		
Total Office of State Planning and Federal Programs .....	2,876,736	40,473,300	43,350,036	

77. Polygraph Examiners, Board of:

(a) Professional and Occupational Licensing and Regulation Program .....				14,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund .....	14,000			
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As provided in Title 34, Chapter 25, 1975 Code of Alabama as amended by Act No. 81-222.

Total Board of Polygraph Examiners .....	<u>14,000</u>	<u>14,000</u>
78. Prosecution Services, Office Of:		
(a) Prosecution, Training, Education and Management Program .....		471,570
SOURCE OF FUNDS:		
(1) Office of Prosecution Services Fund .....	<u>471,570</u>	
Total Office of Prosecution Services .....	<u>471,570</u>	<u>471,570</u>
79. Psychology, Alabama Board of Examiners in:		
(a) Professional and Occupational Licensing and Regulation Program .....		22,700
SOURCE OF FUNDS:		
(1) Board of Examiners of Psychology Fund .....	22,700	
As provided in Title 34, Chapter 26, 1975 Code of Alabama.		
Total Alabama Board of Examiners in Psychology .....	<u>22,700</u>	<u>22,700</u>
80. Public Safety, Department of:		
(a) Traffic Control and Accident Prevention Program .....		18,395,351
(b) Criminal Investigation Program .....		3,812,287
(c) Driver's Licensing and Improvement Program .....		7,432,690
(d) Public Safety Support Services Program .....		7,762,125
(e) Administrative Services Program .....		1,986,248
(f) Alabama Criminal Justice Training Center Program .....		1,632,640
(g) Capital Outlay .....		520,265
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>41,541,606</u>	
Total Department of Public Safety .....	<u>41,541,606</u>	<u>41,541,606</u>
81. Public Service Commission:		
(a) Administrative Services Program .....		820,000
(b) Regulatory Program .....		3,868,550

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$5,804.

SOURCE OF FUNDS:

(1) Public Service Commission Fund .....	4,688,550
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.

Total Public Service Commission	<u>4,688,550</u>	<u>4,688,550</u>
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82. Publicity and Information, Bureau of:

(a) Tourism and Travel Promotion Program .....	2,256,000
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The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$3,195.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	506,000
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Of this amount, \$6,000 is earmarked for the purpose of purchasing state flags to be distributed by the members of the legislature.

(2) Lodgings Tax (\$.01) .....	1,750,000
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Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.

Total Bureau of Publicity and Information .....	<u>506,000</u>	<u>1,750,000</u>	<u>2,256,000</u>
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83. Real Estate Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Program .....	627,617
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The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$852.

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund—as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated .....	627,617	
Total Alabama Real Estate Commission .....	627,617	627,617

## 84. Revenue Department:

(a) State Revenue Administration Program .....	29,750,000
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The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$53,303.

## SOURCE OF FUNDS:

(1) State General Fund—Transfer As provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments ...	250,000
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama .....	398,242
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections .....	310,041
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections .....	208,476
(5) Transfer from the gross proceeds of Gasoline Tax Collections .....	2,068,723
(6) Transfer from the Income Tax Collections .....	6,906,435
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections .....	1,194,727
(8) Transfer from the gross proceeds of Motor Vehicle License Collections .....	1,208,092
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....	368,843



(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax .....	911,414
(11) Transfer from the gross proceeds of Sales Tax Collections ..	9,627,313
(12) Transfer from the gross proceeds of the Tobacco Tax Collections .....	1,969,831
(13) Transfer from the gross proceeds of Use Tax Collections ..	940,815
(14) Transfer from the gross proceeds of the Utility Tax Collections—as provided in Title 40, Chapter 21, 1975 Code of Alabama .....	614,737
(15) Local Funds .....	2,772,311

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department .....	<u>250,000</u>	<u>29,500,000</u>	<u>29,750,000</u>
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85. Revenue—Auto Title and Antitheft:

(a) State Revenue Administration Program .....	1,064,077
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SOURCE OF FUNDS:

(1) State General Fund—Transfer .....	<u>1,064,077</u>
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Total Revenue—Auto Title and Antitheft .....	<u>1,064,077</u>	<u>1,064,077</u>
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86. Revenue—Boards of Equalization:

(a) State Revenue Administration Program .....	136,800
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>136,800</u>
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Total Revenue-Boards of Equalization .....	<u>136,800</u>	<u>136,800</u>
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87. Revenue—Motor Vehicle License:

(a) State Revenue Administration Program .....	2,145,200
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## SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .	2,145,200	
Total Revenue-Motor Vehicle License .....	2,145,200	2,145,200

## 88. Richmond P. Hobson Memorial Board—Alabama Historical Commission:

(a) Historical Resources Management Program .....		107,052
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## SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an additional amount .....	7,052	
(2) Federal, Local and Miscellaneous Funds .....	100,000	
Total Alabama Historical Commission—Richmond P. Hobson Memorial Board .....	7,052	100,000
		107,052

## 89. Secretary of State:

(a) Administrative Support Services Program .....		634,673
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## SOURCE OF FUNDS:

(1) State General Fund .....	634,673	
Total Secretary of State .....	634,673	634,673

## 90. Securities Commission:

(a) Regulatory Services Program .....		715,192
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## SOURCE OF FUNDS:

(1) State General Fund .....	482,298	
(2) Industrial Development Bond Notification Fund .....		139,602
(3) Sales of Checks License Fund .....		8,000
(4) Exemption Fund .....		85,292
Total Securities Commission ....	482,298	232,894
		715,192

## 91. Social Work Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....		45,667
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The appropriation to the Alabama State Board of Social Work

Examiners shall include a transfer to the State Personnel Department of \$53.

SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund—as provided in Title 34, Chapter 30, 1975, Code of Alabama. ....	45,667	
Total Alabama State Board of Social Work Examiners .....	45,667	45,667

92. Soil and Water Conservation Committee Alabama State:

(a) Water Resource Development Program .....	698,807
(b) Catfish Farming and Disease Control Methods ....	200,000

SOURCE OF FUNDS:

(1) State General Fund .....	888,807	
(2) Federal, Local and Miscellaneous Funds .....	10,000	
Total Alabama State Soil and Water Conservation Committee .....	888,807	898,807

In addition to the above appropriation to the Soil and Water Conservation Committee there is hereby appropriated the amount of \$390,000 to accelerate the development of the fish farming industry in Alabama to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

93. Southern Growth Policies Board:

(a) Special Services Program ....	25,300
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SOURCE OF FUNDS:

(1) State General Fund .....	25,300	
Total Southern Growth Policies Board .....	25,300	25,300

94. Space Science Exhibit Commission, Alabama:

(a) Tourism and Travel Promotion Program .....	356,000
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SOURCE OF FUNDS:

(1) State General Fund Capital Outlay .....	356,000	
Total Alabama Space Science Exhibit Commission .....	356,000	356,000

95. Speech Pathology and Audi-  
ology, Alabama Board of Examin-  
ers for:

- |  |        |
|--|--------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... | 16,000 |
|--|--------|

## SOURCE OF FUNDS:

- |   |               |               |
|---|---------------|---------------|
| (1) Alabama Board of Examiners<br>for Speech Pathology and Au-<br>diology Fund—as provided in<br>Title 34, Chapter 28A, 1975 Code<br>of Alabama ..... | <u>16,000</u> |               |
| Total Alabama Board of Examiners<br>for Speech Pathology and Au-<br>diology .....   | <u>16,000</u> | <u>16,000</u> |

96. Surface Mining Reclamation  
Commission:

- |  |           |
|--|-----------|
| (a) Industrial Safety and Accident<br>Prevention Program ..... | 2,816,283 |
|--|-----------|

The appropriation to the Surface  
Mining Reclamation Commis-  
sion shall include a transfer to  
the State Personnel Department  
of \$2,183.

## SOURCE OF FUNDS:

- |  |                  |                  |
|--|------------------|------------------|
| (1) Surface Mining Reclamation<br>Commission Fund—as provided<br>by Title 9, Chapter 16, Article 2,<br>1975 Code of Alabama. All fees<br>and charges, grants, gifts, fines,<br>bond forfeitures or other monies<br>received under the above act, in<br>addition to the appropriation<br>herein made, are appropriated to<br>the Surface Mining Reclamation<br>Commission ..... | <u>2,816,283</u> |                  |
| Total Surface Mining Reclamation<br>Commission .....   | <u>2,816,283</u> | <u>2,816,283</u> |

97. Tannehill Historical State  
Park:

- |  |         |
|--|---------|
| (a) Historical Resources Manage-<br>ment Program ..... | 597,700 |
|--|---------|

## SOURCE OF FUNDS:

- |   |                |         |
|---|----------------|---------|
| (1) State General Fund .....                          | 250,000        |         |
| (2) Federal, Local and Miscellane-<br>ous Funds ..... | <u>347,700</u> |         |
| Total Tannehill Historical State<br>Park .....        | 250,000        | 347,700 |
|   |                | 597,700 |

98. Tennessee-Tombigbee Waterway Development Authority:

(a) Water Resource Development Program .....	476,339
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SOURCE OF FUNDS:

(1) State General Fund .....	165,000
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As provided in Title 33, Chapter 8,  
1975 Code of Alabama as  
amended.

(2) Federal, Local and Miscellaneous Funds .....	<u>311,339</u>
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Total Tennessee-Tombigbee Waterway Development Authority .....	<u>165,000</u>	<u>311,339</u>	<u>476,339</u>
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99. Treasurer, State:

(a) Fiscal Management Program .....	1,214,002
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,214,002</u>
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Total State Treasurer .....	<u>1,214,002</u>	<u>1,214,002</u>
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In addition to the above appropriation to the State Treasurer, there is hereby appropriated \$200,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

100. Uniform State Laws, Commission On:

(a) Special Services Program ....	4,147
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>4,147</u>
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As provided in Title 41, Chapter 9,  
Article 12, 1975 Code of Alabama.

Total Commission on Uniform State Laws .....	<u>4,147</u>	<u>4,147</u>
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101. Veterans Affairs, Department of:

(a) Administration of Veterans Affairs Program .....	2,640,610
--	-----------

SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,640,610</u>
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Total Department of Veterans Affairs .....	<u>2,640,610</u>	<u>2,640,610</u>
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102. Veterinary Medical Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	30,000
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## SOURCE OF FUNDS:

(1) State Board of Veterinary Med- ical Examiners Fund .....	30,000	
As provided in Title 34, Chapter 29, 1975 Code of Alabama.		
Total Alabama State Board of Vet- erinary Medical Examiners ...	<u>30,000</u>	<u>30,000</u>

103. Water and Waste Water Sys-  
tems Personnel, Board of Certifi-  
cation For:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	15,954
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## SOURCE OF FUNDS:

(1) Operators and Certification Fund .....	15,954	
As provided in Title 22, Chapter 25, 1975 Code of Alabama.		
Total Board of Certification for Water & Waste Water Systems Personnel .....	<u>15,954</u>	<u>15,954</u>

104. Water Well Standards Board,  
Alabama:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	41,000
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## SOURCE OF FUNDS:

(1) Well Digger's Licensing Fund	41,000	
As provided in Title 22, Chapter 24, 1975 Code of Alabama.		
Total Alabama Water Well Stan- dards Board .....	<u>41,000</u>	<u>41,000</u>

105. Women's Commission, Ala-  
bama:

(a) Employment and Social Op- portunities Program .....	9,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>9,000</u>	
Total Alabama Women's Commis- sion .....	<u>9,000</u>	<u>9,000</u>

106. Women's Hall of Fame, Ala-  
bama:

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(a) Historical Resources Management Program .....	12,000
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SOURCE OF FUNDS:

(1) State General Fund .....	12,000	
Total Alabama Women's Hall of Fame .....	12,000	12,000

107. State Department of Education:

(a) Library Instructional Materials .....	2,494,131
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To be distributed to all public elementary and secondary schools and all two-year post-secondary institutions under jurisdiction of the State Board of Education by an equal amount per student enrolled.

SOURCE OF FUNDS:

(1) State General Fund .....	2,494,131	
Total State Dept. of Education ..	2,494,131	2,494,131

108. Department of Youth Services:

(a) Youth Services Program .....	13,239,813
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$18,211.

SOURCE OF FUNDS:

(1) State General Fund .....	12,159,265	
(2) Federal and Local Funds ....	1,080,548	
Total Department of Youth Services .....	12,159,265	1,080,548
		13,239,813

(To be expended in accordance with Act No. 816, 1973 Regular Session.)  
The above appropriation to the Department of Youth Services is to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

109. Library Service, Alabama Public:

(a) Public Library Service Program .....	270,000
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SOURCE OF FUNDS:

(1) State General Fund .....	270,000	
Total Alabama Public Library Service .....	270,000	270,000

110 Fort Toulouse-Alabama Historical Commission:

(a) Historical Resources Management Program .....		25,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	25,000	
Total Alabama Historical Commission—Fort Toulouse ...	25,000	25,000

111. Department of Finance—  
Telephone Revolving Fund:

There is hereby appropriated \$1,500,000 to the Telephone Revolving Fund to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

D. OTHER FUNCTIONS OF  
GOVERNMENT FUNDED  
FROM THE GENERAL FUND:

## 1. Advertising Lands for Tax Sale:

(a) State Revenue Administration Program, Estimated .....	70,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	70,000	
Total Advertising Lands for Tax Sale .....	70,000	70,000

## 2. Arrest of Absconding Felons:

(a) Criminal Investigation Program Estimated .....	30,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	30,000	
Total Arrest of Absconding Felons .....	30,000	30,000

## 3. Automatic Appeal Expense:

(a) Legal Advice and Legal Service Program, Estimated .....	500
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## SOURCE OF FUNDS:

(1) State General Fund .....	500	
As provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Alabama .....		
Total Automatic Appeal Expense .....	500	500

## 4. Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham:

(a) Support of State Universities Program .....	100,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>100,000</u>	
Total Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Bir- mingham .....	<u>100,000</u>	<u>100,000</u>

In addition to the above appropria-  
tion there is hereby appropriated  
\$2,000,000 to the Center for  
Basic Sciences Reward for Cystic  
Fibrosis at the University of Ala-  
bama in Birmingham to be condi-  
tional upon the availability of  
funds in the State General Fund,  
the approval of the Governor and  
upon the availability of  
\$2,500,000 in matching funds  
from the Cystic Fibrosis Founda-  
tion. The matching funds are to  
be paid in increments of \$500,000  
annually beginning in fiscal year  
1982-83 and continuing through  
fiscal year 1986-87.

5. Center for Diagnosis and  
Treatment of Congenital Heart  
Disease at the University of Ala-  
bama in Birmingham:

(a) Support of State Universities Program .....	100,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>100,000</u>	
Total Center for Diagnosis and Treatment of Congenital Heart Disease at the University of Ala- bama in Birmingham .....	<u>100,000</u>	<u>100,000</u>

6. Civil Court Costs in Connection  
With Ad Valorem Tax Assess-  
ments Appeals:

(a) State Revenue Administration Program, Estimated .....	200
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>200</u>	
Total Civil Court Costs in Con- nection with Ad Valorem Tax As- sessment Appeals .....	<u>200</u>	<u>200</u>

7. Consumer Utility Rate Hearing:

(a) Executive Direction Program	250,000
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SOURCE OF FUNDS:

(1) State General Fund .....	250,000	
As provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama.		
Total Consumer Utility Rate Hear- ing .....	<u>250,000</u>	<u>250,000</u>
8. Court Costs—Act No. 558,1957:		
(a) Court Operations Program, Es- timated .....		8,000
SOURCE OF FUNDS:		
(1) State General Fund .....	8,000	
Pursuant to Act No. 558,1957,page 777.		
Total Court Costs—Act No. 558,1957 .....	<u>8,000</u>	<u>8,000</u>
9. Court Cost Not Otherwise Pro- vided For:		
(a) Legal Advice and Legal Service Program, Estimated .....		1,020,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,020,000</u>	
Total Court Cost Not Otherwise Provided For .....	<u>1,020,000</u>	<u>1,020,000</u>
10. Distribution of Public Docu- ments:		
(a) Administrative Support Ser- vice Program, Estimated .....		37,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>37,000</u>	
Total Distribution of Public Docu- ments .....	<u>37,000</u>	<u>37,000</u>
11. Election Expenses:		
(a) Special Services Program, Es- timated .....		1,410,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,410,000</u>	
Total Election Expenses .....	<u>1,410,000</u>	<u>1,410,000</u>
12. Emergency Fund, Departmen- tal:		
(a) Special Services Program ....		450,000
SOURCE OF FUNDS:		
(1) State General Fund .....	450,000	

(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, 1975 Code of Alabama, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)

Total Departmental Emergency Fund .....	450,000	450,000
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13. Fair Trial Tax Transfer:

(a) Court Operations Program, Estimated .....	350,000
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SOURCE OF FUNDS:

(1) State General Fund .....	350,000
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Total Fair Trial Tax Transfer ...	350,000	350,000
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14. Feeding of Prisoners:

(a) Institutional Services— Corrections Program, Estimated	2,000,000
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SOURCE OF FUNDS:

(1) State General Fund .....	2,000,000
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For expenses of feeding prisoners in county jails .....

Total Feeding of Prisoners .....	2,000,000	2,000,000
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15. Forest Fire Fund, Emergency:

(a) Forest Resource Protection Prog. ....	180,000
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SOURCE OF FUNDS:

(1) State General Fund Trans- fer—Act 79-830 .....	180,000
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Total Emergency Forest Fire Fund	180,000	180,000
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16. Governors' Conference, National:

(a) Executive Direction Program	58,910
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SOURCE OF FUNDS:

(1) State General Fund .....	58,910
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Total National Governors' Conference .....	58,910	58,910
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17. Governor's Councillor:

(a) Executive Direction Program	39,801
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SOURCE OF FUNDS:

(1) State General Fund .....	39,801
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As provided in Title 36, Chapter 13,  
Section 13, 1975 Code of Ala.

Total Governor's Councillor .....	39,801	39,801
18. Governor's Proclamation Ex- penses:		
(a) Executive Direction Program, Estimated .....		150,000
SOURCE OF FUNDS:		
(1) State General Fund .....	150,000	
Total Governor's Proclamation Ex- penses .....	150,000	150,000
19. Governor's Widows Retirement:		
(a) Executive Direction Program		14,400
SOURCE OF FUNDS:		
(1) State General Fund .....	14,400	
Total Governor's Widows Retirement .....	14,400	14,400
20. Interpreter's Account:		
(a) Court Support Services Pro- gram, Estimated .....		2,000
SOURCE OF FUNDS:		
(1) State General Fund .....	2,000	
As provided in Title 12, Chapter 21, Sections 131-134, 1975 Code of Alabama.		
Total Interpreter's Account .....	2,000	2,000
21. Law Enforcement Fund:		
(a) Criminal Investigation Pro- gram .....		8,730
SOURCE OF FUNDS:		
(1) State General Fund—Transfer	8,730	
Total Law Enforcement Fund ...	8,730	8,730
22. Law Enforcement Legal De- fense:		
(a) Legal Advice and Legal Ser- vices Program .....		3,600
SOURCE OF FUNDS:		
(1) State General Fund .....	3,600	
To carry out provisions of Act No. 259, 1957 Regular Session.		
Total Law Enforcement Legal De- fense .....	3,600	3,600

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23. Mailing Tax Notices:

(a) State Revenue Administration Program, Estimated .....	200
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SOURCE OF FUNDS:

(1) State General Fund .....	200	
Total Mailing Tax Notices .....	200	200

24 Matching Federal Funds Not  
Otherwise Provided For:

(a) Special Services Program ....	45,000
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SOURCE OF FUNDS:

(1) State General Fund .....	45,000	
Total Matching Federal Funds Not Otherwise Provided For .....	45,000	45,000

25. Mental Health Trust Fund,  
Alabama Special: .....

39,378,990

SOURCE OF FUNDS:

(1) State General Fund—Transfer	39,378,990	
Total Alabama Special Mental Health Trust Fund .....	39,378,990	39,378,990

26. Presidential Electoral Ex-  
pense:

(a) Administration of Public Doc- uments Program, Estimated ...	1,000
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SOURCE OF FUNDS:

(1) State General Fund .....	1,000	
Total Presidential Electoral Ex- pense .....	1,000	1,000

27. Printing of Code Supplement:

(a) Administration of Public Doc- uments Program, Estimated ...	200,000
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SOURCE OF FUNDS:

(1) State General Fund .....	200,000	
Total Printing of Code Supplement	200,000	200,000

28. Printing of Legislative Act and  
Journals:

(a) Administrative Support Ser- vices Program, Estimated ....	390,000
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SOURCE OF FUNDS:

(1) State General Fund .....	390,000	
Total Printing of Legislative Act and Journals .....	390,000	390,000

29. Printing of State and County  
Privilege Licenses:

(a) State Revenue Administration Program, Estimated .....	14,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	14,000
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Total Printing of State and County Privilege Licenses .....	14,000	14,000
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## 30. Public Defenders:

(a) Court Operations Program ..	39,761
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## SOURCE OF FUNDS:

(1) State General Fund .....	39,761
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For salaries of Public Defenders for  
the 21st Judicial Circuit, as pro-  
vided by Act No. 1158, 1969 Reg-  
ular Session.

Total Public Defenders .....	39,761	39,761
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## 31. Registration of Voters:

(a) Special Services Program, Es- timated .....	600,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	600,000
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Total Registration of Voters .....	600,000	600,000
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## 32. Removal of Prisoners:

(a) Administrative Services and Logistical Support Program, Es- timated .....	187,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	187,000
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Total Removal of Prisoners .....	187,000	187,000
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33. State Treasurer-Previous  
Year's Unpaid Warrants:

(a) Special Services Program, Es- timated .....	367,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	367,000
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Total State Treasurer—Previous Year's Unpaid Warrants .....	367,000	367,000
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34. State General Fund, Est. ....	66,677,328
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## SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer, Estimated .....	66,677,328	
Total State General Fund Estimated .....	66,677,328	66,677,328
E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:		
1. Amos Alonzo Stagg Bowl:		
(a) Tourism and Travel Promotion Program .....		3,850
SOURCE OF FUNDS:		
(1) State General Fund .....	3,850	
Total Amos Alonzo Stagg Bowl ..	3,850	3,850
2. Appalachian Regional Commission:		
(a) Planning Program .....		195,000
SOURCE OF FUNDS:		
(1) State General Fund .....	195,000	
Total Appalachian Regional Commission .....	195,000	195,000
3. Armed Forces Day in Alabama:		
(a) Historical Resources Management Program .....		1,115
SOURCE OF FUNDS:		
(1) State General Fund .....	1,115	
Total Armed Forces Day in Alabama .....	1,115,	1,115
4. Army Aviation Museum, Fort Rucker, Al.:		
(a) Historical Resources Management Program .....		100,000
SOURCE OF FUNDS:		
(1) State General Fund .....	100,000	
Total Army Aviation Museum, Fort Rucker, Al. ....	100,000	100,000
5. Azalea Trail Festival, Mobile:		
(a) Tourism and Travel Promotion Program .....		2,075
SOURCE OF FUNDS:		
(1) State General Fund .....	2,075	
Total Mobile Azalea Trail Festival .....	2,075	2,075

## 6. Big Nance Creek Water Management District:

(a) Water Resource Development Program .....		1,867
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## SOURCE OF FUNDS:

(1) State General Fund .....	1,867	
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Total Big Nance Creek Water Management District .....	1,867	<u>1,867</u>
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## 7. Birmingham Chamber Music Society:

(a) Fine Arts Program .....		2,075
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## SOURCE OF FUNDS:

(1) State General Fund .....	2,075	
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Total Birmingham Chamber Music Society .....	2,075	<u>2,075</u>
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## 8. Birmingham Festival of Arts, Inc.:

(a) Fine Arts Program .....		20,307
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## SOURCE OF FUNDS:

(1) State General Fund .....	20,307	
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Total Birmingham Festival of Arts .....	20,307	<u>20,307</u>
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## 9. Blue and Gray Association, Inc.:

(a) Tourism and Travel Promotion Program .....		7,469
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## SOURCE OF FUNDS:

(1) State General Fund .....	7,469	
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Total Blue and Gray Association Inc. ....	7,469	<u>7,469</u>
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## 10. Chilton County Peach Festival:

(a) Tourism and Travel Promotion Program .....		15,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	15,000	
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Total Chilton County Peach Festival .....	15,000	<u>15,000</u>
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## 11. Choccolocco Creek Watershed Association:

(a) Water Resource Development Program .....		2,910
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## SOURCE OF FUNDS:



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(1) State General Fund .....	2,910	
Total Choccolocco Creek Water- shed Association .....	2,910	2,910
12. Civil Air Patrol:		
(a) Readiness and Recovery Pro- gram .....		40,000
SOURCE OF FUNDS:		
(1) State General Fund .....	40,000	
Total Civil Air Patrol .....	40,000	40,000
13. Coosa-Alabama River Im- provement Association:		
(a) Water Resource Development Program .....		10,379
SOURCE OF FUNDS:		
(1) State General Fund .....	10,379	
Total Coosa-Alabama River Im- provement Association .....	10,379	10,379
14. Coosa River Action Council, Inc.:		
(a) Water Resource Development Program .....		8,294
SOURCE OF FUNDS:		
(1) State General Fund .....	8,294	
Total Coosa River Action Council Inc. ....	8,294	8,294
15. Deep Sea Fishing Rodeo, Ala- bama:		
(a) Tourism and Travel Promotion Program .....		1,246
SOURCE OF FUNDS:		
(1) State General Fund .....	1,246	
Total Ala. Deep Sea Fishing Rodeo	1,246	1,246
16. Dorse, Mary E., Recreational and Educational Center:		
(a) Special Services Program ....		4,850
SOURCE OF FUNDS:		
(1) State General Fund .....	4,850	
Total Mary E. Dorse Recreational and Educational Center .....	4,850	4,850
17. Dynne Creek Watershed Con- servancy District:		

(a) Water Resource Development Program .....		1,867
SOURCE OF FUNDS:		
(1) State General Fund .....	1,867	
Total Dynne Creek Watershed Conservancy District .....	1,867	1,867
18. Elk River Development Agency:		
(a) Water Resource Development Program .....		6,208
SOURCE OF FUNDS:		
(1) State General Fund .....	6,208	
Total Elk River Development Agency .....	6,208	6,208
19. Elyton Recovery Center:		
(a) Non-Institutional Treatment and Care Program .....		150,350
SOURCE OF FUNDS:		
(1) State General Fund—Capital Improvement .....	150,350	
Total Elyton Recovery Center ...	150,350	150,350
20. Energy Board, Southern States:		
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....		20,536
SOURCE OF FUNDS:		
(1) State General Fund .....	20,536	
Total Southern States Energy Board .....	20,536	20,536
21. Forest Festival, Alabama:		
(a) Forest Information and Education Program .....		6,147
SOURCE OF FUNDS:		
(1) State General Fund .....	6,147	
Total Alabama Forest Festival ..	6,147	6,147
22. George Lindsey Celebrity Benefit, Inc.:		
(a) Tourism and Travel Promotion Program .....		8,294
SOURCE OF FUNDS:		

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(1) State General Fund .....	8,294	
Total George Lindsey Celebrity Benefit, Inc. ....	<u>8,294</u>	<u>8,294</u>
23. Gulf Shores Tourism Association:		
(a) Tourism and Travel Promotion Program .....		11,197
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>11,197</u>	
Total Gulf Shores Tourist Assoc. ....	<u>11,197</u>	<u>11,197</u>
24. Guntersville Boat Races:		
(a) Tourism and Travel Promotion Program .....		12,091
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>12,091</u>	
Total Guntersville Boat Races ...	<u>12,091</u>	<u>12,091</u>
25. Hank Williams Memorial Association:		
(a) Historical Resources Management Program .....		4,147
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>4,147</u>	
Total Hank Williams Memorial Association .....	<u>4,147</u>	<u>4,147</u>
26. Helen Keller Property Board:		
(a) Historical Resources Management Prog. ....		35,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>35,000</u>	
Total Helen Keller Property Board .....	<u>35,000</u>	<u>35,000</u>
27. Interstate Mining Commission:		
(a) Planning Program .....		9,722
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>9,722</u>	
Total Interstate Mining Commission .....	<u>9,722</u>	<u>9,722</u>
28. Junior Miss Pageant, Inc., America's:		

(a) Tourism and Travel Promotion Program .....		20,000
SOURCE OF FUNDS:		
(1) State General Fund .....	20,000	
Total America's Junior Miss Pageant, Inc. ....	20,000	20,000
29. Ketchepedrakee Creek Watershed Conservancy District:		
(a) Water Resource Development Program .....		1,867
SOURCE OF FUNDS:		
(1) State General Fund .....	1,867	
Total Ketchepedrakee Creek Watershed Conservancy District .....	1,867	1,867
30. Lake Eufaula Summer Spectacular:		
(a) Tourism and Travel Promotion Program .....		7,469
SOURCE OF FUNDS:		
(1) State General Fund .....	7,469	
Total Lake Eufaula Summer Spectacular .....	7,469	7,469
31. Mobile Carnival Association:		
(a) Tourism and Travel Promotion Program .....		3,733
SOURCE OF FUNDS:		
(1) State General Fund .....	3,733	
Total Mobile Carnival Association .....	3,733	3,733
31A. Mobile Area Mardi Gras Association:		
(a) Tourism and Travel Promotion Prog. ....		2,900
SOURCE OF FUNDS:		
(1) State General Fund .....	2,900	
Total Mobile Area Mardi Gras Assoc. ....	2,900	2,900
32. Motor Sports Hall of Fame:		
(a) Tourism and Travel Promotion Program .....		100,000
SOURCE OF FUNDS:		

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(1) State General Fund .....	100,000	
Total Motor Sports Hall of Fame .....	100,000	100,000
33. Mountain Lakes Tourist Association, Alabama:		
(a) Tourism and Travel Promotion Program .....		19,075
SOURCE OF FUNDS:		
(1) State General Fund .....	19,075	
Total Mountain Lakes Tourist Association, Alabama .....	19,075	19,075
34. Pea River Historical and Genealogical Society:		
(a) Historical Resources Management Program .....		4,147
SOURCE OF FUNDS:		
(1) State General Fund .....	4,147	
Total Pea River Historical and Genealogical Society .....	4,147	4,147
35. Pea River Watershed Conservancy District:		
(a) Water Resource Development Program .....		1,867
SOURCE OF FUNDS:		
(1) State General Fund .....	1,867	
Total Pea River Watershed Conservancy District .....	1,867	1,867
36. Peanut Festival Association, Inc., National:		
(a) Tourism and Travel Promotion Program .....		11,000
SOURCE OF FUNDS:		
(1) State General Fund .....	11,000	
Total National Peanut Festival Association, Inc. ....	11,000	11,000
37. Pike County Pioneer Museum Association:		
(a) Historical Resources Management Program .....		4,147
SOURCE OF FUNDS:		
(1) State General Fund .....	4,147	
Total Pike County Pioneer Museum Association .....	4,147	4,147

38. Randolph County Truck Crop  
Recognition Program:

(a) Tourism and Travel Promotion Program .....	1,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,000</u>
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Total Randolph County Truck Crop Recognition Program .....	<u>1,000</u>	<u>1,000</u>
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39. Riverboat Commission, Inc.,  
Montgomery:

(a) Tourism and Travel Promotion Program .....	18,673
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>18,673</u>
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Total Montgomery Riverboat Comm. ....	<u>18,673</u>	<u>18,673</u>
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40. Southern Championship Char-  
ity Horseshow:

(a) Tourism and Travel Promotion Program .....	4,147
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>4,147</u>
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Total Southern Championship Charity Horseshow .....	<u>4,147</u>	<u>4,147</u>
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## 41. Spirit of America Festival, Inc.

(a) Tourism and Travel Promotion Program .....	3,735
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>3,735</u>
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Total Spirit of America Festival, Inc. ....	<u>3,735</u>	<u>3,735</u>
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## 42. Sports Hall of Fame:

(a) Historical Resources Manage- ment Program .....	27,645
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>27,645</u>
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Total Sports Hall of Fame .....	<u>27,645</u>	<u>27,645</u>
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43. Steer Show Association, Ala-  
bama State:

(a) Agricultural Development Services Program .....	15,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>15,000</u>	
Total Alabama State Steer Show Association .....	<u>15,000</u>	<u>15,000</u>

44. Tallacoosa Highland Lakes Association:

(a) Tourism and Travel Promotion Program .....		7,469
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>7,469</u>	
Total Tallacoosa Highland Lakes Association .....	<u>7,469</u>	<u>7,469</u>

45. Tallasseehatchie Creek Watershed Conservancy District:

(a) Water Resource Development Program .....		1,649
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,649</u>	
Total Tallasseehatchie Creek Watershed Conservancy District .....	<u>1,649</u>	<u>1,649</u>

46. Tennessee River Valley Association:

(a) Water Resource Development Program .....		11,611
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>11,611</u>	
Total Tennessee River Valley Assn. ....	<u>11,611</u>	<u>11,611</u>

47. Tennessee Valley Publicity and Improvement Association:

(a) Tourism and Travel Promotion Program .....		33,174
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>33,174</u>	
Total Tennessee Valley Publicity and Improvement Association ..	<u>33,174</u>	<u>33,174</u>

48. Terrapin Creek Watershed Conservancy District:

(a) Water Resource Development Program .....		1,867
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,867</u>	
Total Terrapin Creek Watershed Conservancy District .....	<u>1,867</u>	<u>1,867</u>
49. Travel Council, Alabama:		
(a) Tourism and Travel Promotion Program .....		33,174
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>33,174</u>	
Total Alabama Travel Council ..	<u>33,174</u>	<u>33,147</u>
50. Tri-Rivers Waterway Devel- opment Association:		
(a) Water Resource Development Program .....		22,392
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>22,392</u>	
Total Tri-Rivers Waterway Devel- opment Association .....	<u>22,392</u>	<u>22,392</u>
51. Vestavia Hills Dogwood Festi- val and Trail:		
(a) Tourism and Travel Promotion Program .....		2,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>2,000</u>	
Total Vestavia Hills Dogwood Fes- tival and Trail .....	<u>2,000</u>	<u>2,000</u>
52. Veterans Day in Alabama:		
(a) Historical Resources Manage- ment Program .....		1,659
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,659</u>	
Total Veterans Day in Alabama ..	<u>1,659</u>	<u>1,659</u>
53. Veterans Day Committee, Na- tional:		
(a) Historical Resources Manage- ment Program .....		5,810
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>5,810</u>	
Total National Veterans Day Committee .....	<u>5,810</u>	<u>5,810</u>
54. Y.M.C.A. Youth Legislature:		



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(a) Special Services Program . . . . . 15,000

**SOURCE OF FUNDS:**

(1) State General Fund . . . . . 15,000

Total Y. M. C. A. Youth Legislature . . . . . 15,000 15,000

55. Shelby County Historical Association:

(a) Historical Resources Management Program . . . . . 5,000

**SOURCE OF FUNDS:**

(1) State General Fund . . . . . 5,000

Total Shelby County Historical Association . . . . . 5,000 5,000

56. East Alabama Child Development Program:

**SOURCE OF FUNDS:**

(1) State General Fund . . . . . 1,100,000

Total East Alabama Child Development Program . . . . . 1,100,000 1,100,000

57. Mobile Exploreum-Medical: . . . . . 25,000

**SOURCE OF FUNDS:**

(1) State General Fund . . . . . 25,000

Total Mobile Exploreum . . . . . 25,000 25,000

58. Sickie Cell Education Program:

(a) Jefferson County Sickie Cell . . . . . 100,000

(b) East Alabama Sickie Cell . . . . . 50,000

(C) Mobile Sickie Cell . . . . . 60,000

**SOURCE OF FUNDS:**

(1) State General Fund . . . . . 210,000

Total Sickie Cell Education Program . . . . . 210,000 210,000

59. Landmarks Foundation, Inc.:

(a) Historical Resources Management Program . . . . . 7,500

**SOURCE OF FUNDS:**

(1) State General Fund . . . . . 7,500

Total Landmarks Foundation, Inc. . . . . 7,500 7,500

60. Arts Hall of Fame, Alabama:

**SOURCE OF FUNDS:**

(1) State General Fund .....	6,000	
Total Alabama Arts Hall of Fame .....	6,000	6,000
61. Anniston Subregional Library for the Blind and Physically Handicapped:		
(a) Special Services Program ....		6,000
SOURCE OF FUNDS:		
(1) State General Fund .....	6,000	
Total Anniston Subregional Li- brary for the Blind and Physi- cally Handicapped .....	6,000	6,000
62. Birmingham International Educational Film Festival:		
(a) Special Services Program ....		10,000
SOURCE OF FUNDS:		
(1) State General Fund .....	10,000	
Total Birmingham International Educational Film Festival ....	10,000	10,000
63. Southern Center for Interna- tional Studies, Annual Member- ship:		
(a) Special Services Program ....		25,000
SOURCE OF FUNDS:		
(1) State General Fund .....	25,000	
Total Southern Center For Interna- tional Studies, Annual Member- ship .....	25,000	25,000
64. Safe Place:		
(a) Social Services Program .....		20,000
SOURCE OF FUNDS:		
(1) State General Fund .....	20,000	
Total Safe Place .....	20,000	20,000
65. Music Hall of Fame, Alabama:		
(a) Tourism and Travel Promotion Program .....		25,000
SOURCE OF FUNDS:		
(1) State General Fund .....	25,000	
Total Alabama Music Hall of Fame .....	25,000	25,000
66. W. C. Handy Property Board:		

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(a) Historical Resources Management Program .....	5,000
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SOURCE OF FUNDS:

(1) State General Fund .....	5,000	
Total W.C. Handy Property Board	5,000	5,000

67. Cherokee Vocational School—Colbert County:

(a) Industrial Training Program	15,000
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SOURCE OF FUNDS:

(1) State General Fund .....	15,000	
Total Cherokee Vocational School—Colbert County .....	15,000	15,000

68. Alabama Aviation Hall of Fame:

There is hereby appropriated the amount of \$15,000 to the Alabama Aviation Hall of Fame to be conditioned upon the availability of funds in the State General Fund and approval of the Governor.

69. Macon County Council on Retardation and Rehabilitation Center:

There is hereby appropriated the amount of \$50,000 to the Macon County Council on Retardation and Rehabilitation Center to be conditioned on the availability of funds and upon approval of the Governor.

70. Fruitdale High School Band:

(To attend the World's Fair)

There is hereby appropriated the amount of \$5,000 to the Fruitdale High School Band to be conditioned upon the availability of funds in the State General Fund and upon approval of the Governor.

71. Buck's Pocket State Park:

There is hereby appropriated the amount of \$50,000 to Buck's Pocket State Park to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

## 72. Trenholm State Technical College:

(For emergency medical training)

There is hereby appropriated the amount of \$150,000 to Trenholm State Technical College to be conditioned upon the availability of funds in the State General Fund and upon approval of the Governor.

## 73. Cullman Industrial Board:

There is hereby appropriated \$50,000 to the Cullman Industrial Board for use on capital expenditures for construction to be conditioned upon the availability of funds in the State Treasury and upon the approval of the Governor.

## 74. Alabama 4-H Club Foundation:

There is hereby appropriated the amount of \$300,000 to the Alabama 4-H Club Foundation for capital outlay to be conditioned upon the availability of funds in the State General Fund and upon the approval of the Governor.

## F. DEBT SERVICE FUNDED FROM THE GENERAL FUND:

1. General Obligation Capital Improvement Bonds, Series A and B, Estimated .....	1,124,048
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## SOURCE OF FUNDS:

(1) State General Fund—Transfer	<u>1,124,048</u>	
Total General Obligation Capital Improvement Bonds, Series A and B .....	<u>1,124,048</u>	<u>1,124,048</u>
2. General Obligation Coosa Waterway Bonds, Series A, Estimated .....		653,873

## SOURCE OF FUNDS:

(1) State General Fund—Transfer	<u>653,873</u>	
Total General Obligation Coosa Waterway Bonds, Series A ....	<u>653,873</u>	<u>653,873</u>
3. General Obligation Docks Facilities Bonds, Series A—C, Estimated .....		4,548,001

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SOURCE OF FUNDS:

(1) State General Fund—Transfer	<u>4,548,001</u>	
Total General Obligation Docks Facilities Bonds, Series A—C	<u>4,548,001</u>	<u>4,548,001</u>
4. Inland Waterway Improvement Bonds, Series A through D, Es- timated .....		314,258

SOURCE OF FUNDS:

(1) State General Fund—Transfer	<u>314,258</u>	
Total Inland Waterway Improve- ment Bonds, Series A through D, Estimated .....	<u>314,258</u>	<u>314,258</u>
5. Tennessee-Tombigbee Water- way Bonds, Series A and B, Es- timated .....		900,068

SOURCE OF FUNDS:

(1) State General Fund—Transfer, Estimated pursuant to Constitu- tional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session .....	<u>900,068</u>	
Total Tennessee-Tombigbee Waterway Bonds Series A and B, Estimated .....	<u>900,068</u>	<u>900,068</u>
6. Corrections Institution Bonds, Estimated .....		1,055,875

SOURCE OF FUNDS:

(1) State General Fund Transfer, Estimated .....	1,055,875	
pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.		
Total Corrections Institution Bonds .....	<u>1,055,875</u>	<u>1,055,875</u>
7. General Obligation Bonds, 1982, Series A and B, Estimated		66,677,328

SOURCE OF FUNDS:

(1) State General Fund Transfer, Estimated .....	66,677,328	
Pursuant to Constitutional Amendment No. 395 (Proposed by Act No. 81-1179, adopted at		

the 1981 3rd Special Session of  
the Legislature.)

Total General Obligation Bonds,  
1982, Series A and B, Estimated

66,677,328

66,677,328

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976 (Act No. 494).

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 6. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase or agreement made prior to September 30, 1982 for such items, unless approved or reapproved on or after October 1, 1982 by the Director of Finance.

Section 7. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 8. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 9. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 11. That this Act shall become effective October 1, 1982.

COMMITTEE ON CONFERENCE REPORT ADOPTED

On motion of Rep. Owens, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. 151, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 71; Nays 14.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Patton, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Zoghby.

—71

*Nays:*

Reps. Clark (W), Cosby, Daniels, Dixon, Holley, Holmes, Johnson (Roy), Langford, Nevett, Olive, Parker, Stewart, Stout and Wyatt.

—14

MOTION TO SUSPEND RULES AND PASS ADOPTED

On motion of Rep. Owens, the rules were suspended and the bill:

H. 151. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 79; Nays 15.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels,

Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—79

*Nays:*

Reps. Buskey, Cosby, Daniels, Escott, Holley, Johnson (Roy), McMillan, Naramore, Nevett, Olive, Parker, Smith (J), Stewart, Stout and Trammell.

—15

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to-wit:

H. 751. To Amend Section Five of Act No. 651, H. 377, Regular Session 1975 (Acts 1975, P. 1408) which provides retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Also:

H. J. R. 350. COMMENDING SPEAKER JOE C. McCORQUODALE, JR., FOR HIS EIGHT YEARS OF CHRISTIAN LEGISLATIVE LEADERSHIP.

Also:

H. J. R. 351. SALUTING BERGERON INDUSTRIES, INC. FOR SELECTING ALABAMA FOR ITS 1982 INDUSTRIAL EXPANSION.

Also:

H. J. R. 354. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

Also:

H. J. R. 366. Relative to legislative meeting dates Tuesday, April 20, 1982 through April 26, 1982.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.



REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 359. HONORING MR. RAYMOND J. ISLEY OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 360. COMMENDING THE GROUP, "LIGHTHOUSE," OF ALABAMA CHRISTIAN COLLEGE.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES AND PASS ADOPTED

On motion of Rep. Owens, the rules were suspended, and the bill:

H. 153. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

As amended by the Senate amendment, was again read at length and passed.

Yeas 91; Nays 7.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—91

*Nays:*

Reps. Bedsole, Cosby, Gilmer, Hall, McMillan, Parker and Stewart.

—7

## RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 370. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business, April 20, 1982, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

By Mr. Vacca:

S. 24 p. 26 Child restraints

Mr. Goodwin:

S. 41 p. 4 Selma, family practice

By Mr. Pearson:

S. 315 p. 51 Office of Air Transportation

By Mr. White:

S. 47 p. 17 One stop permitting

By Mr. St. John:

S. 49. p. 8 Interstate succession

By Mr. Denton

S. 358 p. 33 Music Hall of Fame Board

By Mr. Cook:

S. 189 p. 29 Speeding violations

By Mr. Barron:

S. 302 p. 36 C/A, Judicial compensation

By Mr. McDonald:

S. 423 p. 44 Circuit judges

By Mr. Teague:

S. 52 p. 16 Optometric scholarship awards

By Mr. Cook:

S. 365 p. 63 State Docks, retirement plan

By Mr. Barron:

S. 288 p. 34 Insurance representatives

By Mr. Callahan:

S. 348 p. 47 Rapid rail transit

By Mr. White:

S. 353 p. 29 State income tax

By Mr. Goodwin:

S. 396 p. 26 Sheriffs, investigators

By Mr. Proctor:

S. 339 p. 68 Certifying boards

By Mr. Proctor:

S. 340 p. 27 Medical Licensure Commission, judicial review

By Mr. White:

S. 254 p. 52 Ala. Dental Services Corp. Act

By Mr. deGraffenried:

S. 169 p. 42 Court of Criminal Appeals, attorneys

By Mr. Martin:

S. 37 p. 3 Municipalities, election procedures

By Mr. Martin:

S. 38 p. 3 Municipalities, election procedures

By Mr. Martin:

S. 31 p. 31 Public transportation projects

By Mr. Mitchem:

S. 35 p. 8 Paint labeling

By Mr. Parsons:

S. 221 p. 46 State employees insurance plan

By Mr. Hilliard:

S. 343 p. 36 Community Services Block Grant Act

By Mr. White:

S. 418 p. 49 Interior designers

By Mr. Proctor:

S. 337 p. 63 State funded scholarships, math, etc.

By Mr. Denton:

S. 39 p. 13 Eleventh Judicial Circuit, judge, conditional

By Mr. Higginbotham:

S. 97 p. 5 Dog fighting

By Mr. Miller:

S. 408 p. 28 Frank W. Jackson State Park

By Mr. Vacca:

S. 211 p. 54 Bank investigators

By Mr. deGraffenried:

S. 267 p. 22 Hunting, nighttime

By Mr. deGraffenried:

S. 269 p. 22 Hunting, daytime on lands of another

By Mr. deGraffenried:

S. 270 p. 23 Hunting, nighttime on lands of another

By Mr. Teague:

S. 193 p. 19 Banking, need not use "Inc."

By Mr. St. John:

S. 8 p. 39 Physical Therapy

By Mr. Taylor:

S. 188 p. 37 P & S, adoption rules

By Mr. Martin:

S. 236 p. 60 Boards of Registrars

By Mr. Bailey:

S. 96 p. 41 DYS, special school district

By Mr. Smith:

S. 107 p. 16 Municipal clerks to receive acts

By Mr. Little:

S. 246 p. 32 Child Labor Act, actors

By Mr. Holmes:

S. 386 p. 65 Susan B. Parker, tax exemption

By Mr. Keener:

S. 82 p. 39 State agencies, liability insurance

By Mr. Bailey:

S. 62 p. 15 Voluntary dental insurance

By Mr. Denton:

S. 43 p. 13 Acts, distribution

By Mr. Little:

S. 245 p. 25 Rural waterworks systems

By Mr. Callahan:

S. 276 p. 6 Transportation companies

By Mr. Gulledge:

S. 215 p. 12 Consumer Protection Council

By Mr. Gulledge:

S. 215 p. 12 Consumer Protection Council

By Mr. Barron:

S. 225 p. 60 Ala. State Fair Association, South

By Mr. Martin:

S. 36 p. 2 Council-mayor government

By Mr. Callahan:

S. 226 p. 9 Unitization agreements

By Mr. Goodwin:

S. 68 p. 6 School bus drivers

By Mr. Goodwin

S. 198 p. 14 Local school boards, trustees

By Mr. Mitchem:

S. 477 p. 66 Alabama Heritage Trust Fund

By Mr. Teague:

S. 300 p. 62 Supreme Court, additional attorneys

By Mr. White:

S. 387 p. 69 County commissioners

By Mr. Callahan:

S. 422 p. 67 Probate judges

On motion of Rep. Biddle, the resolution, H. R. 370 was adopted.

#### REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee, in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 65. ENCOURAGING THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF BIRMINGHAM TO BUILD DORMITORIES AND RENOVATE EXISTING BUILDINGS FOR DORMITORIES FOR THE UNIVERSITY OF ALABAMA IN BIRMINGHAM, TO BE FINANCED THROUGH THE ISSUANCE OF BONDS BY THE CITY, AND TO BE AMORTIZED BY THE PAYMENT OF STUDENT RENTS.

Rep. Biddle offered the motion to adopt the resolution, S. J. R. 65.

## SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Johnson (Roy) to indefinitely postponed the resolution, S. J. R. 65, was adopted.

Yeas 35; Nays 25.

*Yeas:*

Reps. Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Campbell, Carothers, Cheatwood, Cosby, Daniels, Ford, Gilmer, Gregg, Grimsley, Hall, Harper (T), Harvey, Holley, Howard, Johnson (Roy), Mitchell, Olive, Owens, Penry, Rains, Riddick, Sasser, Smith (C), Smith (J), Smith (M), Turnham, Ward, Whatley and Williams.

—35

*Nays:*

Mr. Speaker, Amari, Bennett, Biddle, Cabaniss, Coburn, Cooley, Crow, Escott, Gafford, Hammett, Harrison, Higginbotham, Holmes, Horn, Lewis, Moore, Nevett, Payne, Reed, Seibels, Starkey, Trammell, Waggoner and Zoghby.

—25

## RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 371. COMMENDING MR. EDWARD D. BOSTON, HUNTSVILLE HOSPITAL ADMINISTRATOR.

## BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 222. To amend Section 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court; and to provide for the election of such judges, Section 12-3-3 of the Code of Alabama 1975, notwithstanding.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 295. (With Substitute): To create an additional judgeship for the fifteenth judicial circuit in Alabama; to provide for the appointment of such judge and to designate that such additional judge shall serve as a judge of the family relations division of the circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, as amended, so as to provide for such judge.

S. 446. (With Substitute): To provide a salary increase by the State for the official court reporters, payable from the general fund of the state treasury; and to provide an effective date.

S. 439. (With Substitute): To create three additional circuit judgeships for the Tenth Judicial Circuit of Alabama; to provide for the appointment of such judges, to prescribe the jurisdiction, powers, authority, qualifications, duties and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

S. 416. (With Substitute): To provide further for the annual salary of the governor, the secretary of state, the commissioner of agriculture and industries and the state auditor; and to provide for such sums to commence with the next term of office.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 45. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish the age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

S. 485. To make an additional appropriation for salaries and other expenses for the use of the Legislature.

S. 312. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Madison County Board of Education for capital outlay purposes to be used to restore or replace the Central School which was destroyed by fire.

S. 395. To create a fund for the Alabama alcoholic beverage control board to be used for inventory purposes by providing that no taxes collected on alcoholic beverages sold by said board or such funds distributed as net profits by said board shall be distributed for at least 25 days by October 1, 1983, for at least 55 days by September 30, 1984, for at least 85 days by September 30, 1985, for at least 115 days by September 30, 1986, for at least 120 days by September 30, 1987 and thereafter, after the close of the month in which said taxes have been collected or such funds distributed as net profits are realized; to provide that any funds now accumulated as a working capital fund or reserve shall be distributed to the several beneficiaries on the same basis as withheld; to provide that all laws or parts of laws in conflict or inconsistent herewith are repealed; to provide an effective date.

S. 244. To provide that full-time employees and executive officers of the Alabama Vocational Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

S. 483. To amend Act No. 81-663, Regular Session 1981, to further define prescription drugs and to specifically exempt colostomy bags and attachments from state gross sales taxes.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 110. (With Amendment): Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes.

The above bill was read a second time at length as required by the Constitution.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 109. (With Amendment): To establish and fix minimum salaries of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State; to abolish the fee system of compensation of such officials presently on a fee system; to provide for the method of payment of the salaries herein established; to provide for the personnel and other expenses necessary to the operation of such officials' offices; to provide that employees of the officials herein converted from a fee to a salary basis of compensation may continue their employment provided such employment commenced prior to passage of the Alabama Ethics Act; to provide for the payment of the fees, commissions and allowances paid to such officials presently on a fee system to be paid into the treasury from which their salaries are paid; to repeal all laws in conflict; and to establish the effective date of this Act.

Rep. Shoemaker, Vice-Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 195. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institute for Deaf and Blind, who are not otherwise covered by the state merit system, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide for procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; and to provide for judicial review of the decisions of the employing board.



Rep. Hines, Vice-Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 537. To require that group, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for outpatient services, and inpatient services if requested by the attending physician, rendered by duly qualified psychiatrists and psychologists of this State notwithstanding any provisions of the policies or contracts to the contrary.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 333. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

S. 514. To authorize the acquisition and pledging and securing of Letters of Credit in connection with the issuance of securities by public bodies in Alabama.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 66. To remove the requirement of driver education for graduation; to require local school systems to provide the opportunity for driver education; to provide for the protection of driver education teachers currently employed and provide requirements for optional driver education courses.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 355. To amend Sections 33-5-1 through 33-5-36 of the Code of Alabama 1975, relating to registration and operation of vessels on the waters of this state and Section 40-17-31 pertaining to Marine Fuel Tax so as to transfer the Marine Police Division from the Department of Conservation and Natural Resources to the Department of Public Safety.

Rep. Venable, Chairman of the Standing Committee on Constitution and Election, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 468. (With Amendment): Proposing an amendment to the Constitution of Alabama prescribing certain procedures that will allow proposed constitutional amendments which affect or apply to only one county to be adopted as an amendment to the constitution by a majority vote of the people of the county affected, provided that such proposed amendment has first been unanimously approved by a local constitutional amendment commission and then subsequently approved by a majority of the electors in the county affected.

The above bill was read a second time at length as required by the Constitution.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 502. (With Amendment): Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

The above bill was read a second time at length as required by the Constitution.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 545. Relating to Franklin County; providing further for the compensation of the probate judge and providing for an effective date.

S. 546. To propose an amendment to the Constitution of Alabama of 1901 relating to court costs and the compensation of the judge of probate of Franklin County.

The above bill was read a second time at length as required by the Constitution.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 534. Relating to Jefferson County; providing further for an additional expense allowance of the tax assessor, payable from the general fund of the county; providing for retroactive effect and an expiration date.

S. 527. To amend subsection (e) of Section 14 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pages 717,739) which said Act No. 497 established a pension system for officers and employees of Jefferson County, which said Section 14 was last amended by Act No. 1060 of the Regular Session of the Legislature of Alabama of 1981.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 510. (With Substitute): Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 453. (With Amendment): To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 516. To amend Section Five of Act No. 651, H. 377, Regular Session 1975 (Acts 1975, p. 1408) which provides retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 536. (With Substitute): To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Madison in said County to regulate and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises, and providing for penalties.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 532. Relating to Barbour County; to provide further for the expense allowance of the coroner.

S. 520. Relating to the Town of Loxley in Baldwin County; authorizing the Town of Loxley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

## RESOLUTIONS

The following resolution was introduced:

By Reps. Dial, Johnson (R. G.) and Shoemaker:

H. J. R. 372. NAMING THE OMS 14 SHOP AT TALLADEGA, ALABAMA, THE "RAY PATTERSON OPERATION MAINTENANCE FACILITY."

WHEREAS, Mr. Ray Patterson of Talladega joined the Alabama National Guard in 1940 to be activated at the onset of World War II and serve with the 31st Infantry Division throughout the war and until his discharge in July 1945; and

WHEREAS, following tours of duty in Texas, Mississippi and Virginia and to Camp Patrick Henry for Port of Embarkation, Mr. Patterson then underwent jungle training in New Guinea and joined the 124th Regimental Combat Team to later see action in New Guinea and Morotai Dutch East Indies; he also participated in several beach landings and received a number of decorations including the Bronze Star, Army Commendation Medal and Expert Infantry Badge; and

WHEREAS, Mr. Patterson was employed by the Alabama National Guard in 1949 and served some thirty years as Shop Chief of the Maintenance Operation in Talladega rising in Grade from E-1 through E-8 to retire in 1978; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the National Guard OMS 14 Shop at Talladega, Alabama, the "Ray Patterson Operation Maintenance Facility."

BE IT FURTHER RESOLVED, That we express a desire that the proper authorities erect and maintain appropriate signs and markers so designating said facility and that a copy of this resolution be forwarded to Mr. Patterson as a memento of this honorary designation of the legislature.

On motion of Rep. Dial, the rules were suspended and the resolution, H. J. R. 372, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 373. COMMENDING TROOPER CHARLES RICHARD MINOR OF OPELIKA UPON HIS RETIREMENT FROM THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

By Rep. Turnham:

H. R. 374. MOURNING THE DEATH OF PROFESSOR EDGAR C. GLYDE OF AUBURN, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Hammett:

H. J. R. 375. COMMENDING THE FIRST BAPTIST CHURCH OF OPP, ALABAMA, ON THE 80TH ANNIVERSARY OF ITS FOUNDING.

WHEREAS, it is with a sense of great pride that the Alabama Legislature notes that the membership of the historic First Baptist Church of Opp, Alabama, observed Heritage Day on April 18, 1982, which marked the 80th anniversary of the church's founding; and

WHEREAS, organized in 1901, under the leadership of T. A. Goodwin, the First Baptist Church is a community church, which, through the years, has touched and guided the lives of its members from all walks of life; and

WHEREAS, the church was built to the glory of God in 1903 and the present structure was dedicated to the Lord on November 15, 1942; and

WHEREAS, under the guidance of several Pastors since its founding, the church is presently served by the Reverend James Pharr; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend utmost commendation and praise to the First Baptist Church of Opp, Alabama, on the occasion of the 80th anniversary of its founding; we stand in tribute to the church's continuing influence within the community, and to the dedicated spiritual guidance of the Reverend James Pharr.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Pharr, to the Chairman of the Board of Deacons on behalf of all the deacons and to Mrs. John E. Dee, to Mrs. T. E. Hubbard and to Mrs. Morland G. Morgan in recognition of their efforts in the planning of Heritage Day.

On motion of Rep. Hammett, the rules were suspended and the resolution, H. J. R. 375, was adopted.

Also:

By Reps. Zoghby, Parker, Kennedy, Turner, Harper (T), Clark (W), Buskey, Stewart, Warren, Daniels, McMillan, Penry, Bedsole, Dial, Ward, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laid, Langford, Letson, Lewis, McCorquodale, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt:

H. J. R. 376. COMMENDING MISS KAY IVEY FOR OUTSTANDING SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, since August 1981, Miss Kay Ivey has served most commendably as Reading Clerk for the Alabama House of Representatives; and

WHEREAS, Miss Ivey, who is a native of Camden in Wilcox County, is a graduate of Auburn University and was formerly associated with Merchants Bank in Mobile, Alabama; and

WHEREAS, during the present administration, Miss Ivey first served as an assistant to Governor Fob James in various key positions, and with the Alabama Development Office prior to joining with House staff in her current capacity; and

WHEREAS, in the reading of bills and resolutions offered for introduction, Miss Ivey's delivery is entirely articulate and at a rate sufficiently rapid both to expedite proceedings and to be clearly understood as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend our friend and associate, Miss Key Ivey, and express our sincere appreciation for her outstanding service as Reading Clerk for the House.

BE IT FURTHER RESOLVED, That Miss Ivey be presented with a copy of this resolution in declaration of commendation and in token of our utmost regard.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 376, was adopted.

Also:

By Rep. Horn:

H. J. R. 377. COMMENDING SENIOR FORWARD CHRIST GILES OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM BLAZERS.

WHEREAS, Senior forward Chris Giles of the University of Alabama-Birmingham Blazers is a graduate of Parker High School, also in Birmingham; and

WHEREAS, during his collegiate career, he has been twice named All-Sun Belt Conference Forward and has been selected All-Tournament, Sun Belt Conference, on two occasions as well; and

WHEREAS, as a 6'8'' forward, Chris Giles holds U.A.B.'s career record in rebounding, is the third all-time scorer for the Blazers and holds his team's individual rebounding game record with eighteen against the University of Georgia in 1982; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Forward Chris Giles of the University of Alabama-Birmingham Blazers for outstanding accomplishments during his collegiate basketball career.

BE IT FURTHER RESOLVED, That Mr. Giles receive a copy of this resolution in declaration of our sincere warm praise and regard, and in expression of our best wishes for every future success.

On motion of Rep. Horn, the rules were suspended and the resolution, H. J. R. 377, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Horn:

H. R. 378. COMMENDING SENIOR FORWARD CHRIS GILES OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM BLAZERS.

Also:

The following resolution was introduced:

By Rep. Gafford:

H. J. R. 379. ENCOURAGING THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BIRMINGHAM TO USE ANY UNPLEDGED NEW MONEY COMING IN UNDER THE RECENTLY ENACTED LEVELIZED BEER TAX TO PAY CITY EMPLOYEE PAY RAISES AND LONGEVITY PAY.

WHEREAS, the employees of the City of Birmingham are in dire need of a pay raise and longevity pay provisions in their pay plan; and

WHEREAS, some new money will be coming into the city treasury of the City of Birmingham under the recently enacted levelized beer tax; and

WHEREAS, only a portion of this new money is pledged for the use of the city transit authority; and

WHEREAS, we wish to encourage the mayor and the city council to give serious consideration to using a portion of the unpledged new revenues to grant city employee pay raise and longevity pay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strongly urge and encourage the mayor and the city council of the City of Birmingham to use some of the revenue that will be coming into the city treasury under the recently enacted levelized beer tax to grant pay raises and longevity pay to city employees.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the mayor and each member of the city council of the City of Birmingham, to the Birmingham News Media and the city employees' organization in Birmingham.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 379, was adopted.

Yeas 14; Nays 2.

Yeas:

Reps. Amari, Biddle, Boles, Escott, Gafford, Horn, Lewis, Moore, Nevett, Olive, Payne, Rains, Seibels and Trammell.

—14

Nays: Reps. Harrison and Howard.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Ford:

H. R. 380. COMMENDING CONFEDERATE BELLES BASKETBALL TEAM AND COACH LARRY LEWISKI OF GADSDEN STATE JUNIOR COLLEGE.

Also:

The following resolutions were introduced:

By Reps. Turnham, McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevelt, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 381. MOURNING THE DEATH OF MRS. MARY JANE WOOLFOLK OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Mrs. Mary Jane Woolfolk of Montgomery, Alabama, on April 19, 1982; and

WHEREAS, Mrs. Woolfolk was a former and longtime employee of the Alabama House of Representatives whose 1979 retirement brought to a close a distinguished career of more than two decades of service to the Legislature and to the State of Alabama; and

WHEREAS, Mrs. Woolfolk, our good friend and former associate whom we affectionately called "Sweetheart of the House of Representatives," was a native of Matthews, Alabama, was educated in Atlanta, Georgia, and was a longtime resident of Montgomery; and

WHEREAS, she is survived by her husband of more than fifty years, Mr. William Gray Woolfolk, by their daughter, Mrs. Jane McConnell, and by four grandchildren and three sisters, all of whom are sorely grieved in their loss as are her many friends and fellow communicants of the Episcopal Church of the Ascension; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Mary Jane Woolfolk of Montgomery, Alabama, and extend our most heartfelt sympathy to her family to whom a copy of this resolution shall be sent, in declaration of the personal bereavement we share in their great and grievous loss.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 381, was adopted.



Also:

By Reps. Shoemaker, Moore, Dial, Grimsley, Johnson (R. G.) and Turnham:

H. J. R. 382. HONORING MR. GEORGE G. McFADEN.

WHEREAS, George G. McFaden, now retired as the Director of the Department of Adult Blind and Deaf, Alabama Institute for Deaf and Blind, Talladega, Alabama, has been selected by the National Industries for the Blind as the recipient of the organization's highest award, the R. B. Irwin Award; and

WHEREAS, this award, to be bestowed at the annual Spring meeting in Biloxi, Mississippi, on May 12, 1982, is given as a recognition of the pioneering and dedicated services of Dr. Robert B. Irwin who was largely responsible for the enactment of the Wagner—O'Day Act, and who served as Vice President of the National Industries for the Blind in the early years of its establishment in 1938; and

WHEREAS, Mr. McFaden is an individual who has contributed significantly in the areas of creativity, ingenuity, practical application of well established or new principles in workshop operation, advanced approach to recognition of blind and sighted personnel and their relationship to the overall program of the workshop; and

WHEREAS, this gentleman who is a native of Elmore County, received two degrees from Auburn University and started his employment as a Vocational Agriculture Teacher in Cullman County, joined the Vocational Rehabilitation Staff in 1946 and later served the State Office Staff as Supervisor of Services to Blind and Deaf, moving in 1964 to the position of Director, Department of Adult Blind, Alabama Institute for Deaf and Blind, implementing a building program to include a Trade School for the Blind and Deaf and renovation of Industries for the Blind in 1965; and

WHEREAS, Mr. McFaden has been widely recognized by his peers for his contributions to the realm of the handicapped, both blind and deaf as well as deaf-blind; and

WHEREAS, after more than 40 years of dedicated service this latest recognition by the National Industries for the Blind is an outstanding accomplishment which climaxes a career marked with countless contributions and a life style which reflects his genuine liking and respect for all people, handicapped and non-handicapped alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That for outstanding characteristics enumerated herein, we hereby name George G. McFaden to the ranks of great Americans.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to George G. McFaden, his family, distributed to the press, retained in the files of the Legislature and displayed in the Alabama History and Archives.

On motion of Rep. Shoemaker, the rules were suspended and the resolution, H. J. R. 382, was adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 165. To further regulate the taxation of beer by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 3A, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, beer; to provide for the collection and distribution of the proceeds of said tax; to authorize county and municipal license fees; to provide for penalties; to proscribe unlawful acts and offenses and prescribe punishment therefor; to provide for eligible counties a phase-out system of net revenue loss from local beer tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of beer, except general sales taxes.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

Rep. Clark (G) offered the motion that the House concur in the Senate amendment to the bill, H. 165, said Senate amendment being as follows:

Amend House Bill, No. 165 by deleting the words "one and one-half cents (1 1/2¢)" where they appear on lines 10 and 11 on page 2 and one line 27 on page three and substituting in lieu thereof the following:

"one and six hundred twenty five thousands cents (1.625¢)

Amend H. 165 Section 1 (c) (2) by deleting in its entirety subsection (xxviii) where it appears on page 17 and substituting in lieu thereof the following:

(xxviii) Talladega County. The tax shall be paid to the probate judge and, after deduction of all expenses of collecting and administering the tax, the proceeds of the tax shall be distributed as follows: After determining net revenue received in the base year (county plus all municipalities), distribution of future revenue to each entity presently receiving beer tax distributions shall be in the same proportion as each entity's revenue to the total net revenue was during the base year.

The following entities shall be entitled to a share of beer tax revenue:

Talladega County

Talladega County Board of Education

City of Talladega

City of Sylacauga

City of Childersburg

City of Lincoln

Community of Munford

Community of Eastaboga

North Talladega County Association for Retarded Citizens, Inc.

South Talladega County Association for Retarded Citizens, Inc.

Provided, however, that from the county share, the sum of \$6,500 shall be spent as follows: (A) the sum of \$1,500 per annum shall be spent in the unincorporated community of Estaboga for public projects for the benefit of said community; (B) the sum of \$2,500 per annum shall be spent in the unincorporated community of Munford to provide rural health care in the existing rural health clinic in said community; and (C) the sum of \$2,500 per annum shall be spent in the unincorporated community of Munford of youth activities, including the construction, improvement, lighting and maintenance of athletic playing fields.

The North and South Talladega County Associations for Retarded Citizens, Inc. shall receive from the county the same proportion of revenue received during the base year (1982).

Provided further, that the Talladega County Board of Education shall divide its share of the beer tax revenue between itself and the city boards of education now existing within the county pro rata in the same manner as public school funds from the State are apportioned in said county under the Minimum Program Fund Law.

For all purposes of enforcement of the provisions of this act, it is a prima facie presumption of law that any wholesaler or jobber subject to the act has accrued a liability for the taxes levied herein for the total amount of alcoholic beverages handled by it during any tax period under the act. The burden of proof is upon any such person to prove that any such alcoholic beverages disposed of in such a manner as not to become subject to the taxes imposed in this act were so disposed of in such a manner. It shall be the duty of any person subject to the privilege or license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and of all other matters from which the correct amount of privilege or license tax to which such person is subject may be ascertained; and, in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the probate judge of the county thirty days notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or his destruction or disposition of such records without giving such notice, shall constitute a misdemeanor.

Upon demand by the probate judge or his authorized deputy, auditor, or representative, it shall be the duty of any such person subject to the privilege or license tax imposed by this act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of privilege or license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within the county, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of privilege or license tax to which such person is subject may be determined including exhibition of bank deposit books and bank statements; and any person failing or refusing to submit such records for such inspection and examination upon such demand, shall be guilty of a misdemeanor.

If any person subject to the provisions of this act does not have in such person's control or possession, within the county, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the privilege or license tax due, or if, having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection and examination as herein required, then, in either event, it shall be the duty of the probate judge of the county to ascertain, from such information and data as he may reasonably obtain, the correct amount of license tax due from such person and immediate payment of the amount of such privilege or license tax shall be made.

All records and reports filed in the Probate Office under this act shall be public records and shall be open to inspection by any person during all probate office hours.

The probate judge of the county shall provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license taxes authorized by this act. Each municipality within the county shall provide aid and assistance in collecting the taxes herein provided for within its territory. The probate judge may employ a person or persons to act as inspectors and otherwise to assist in the enforcement of the provisions of this act. The salary and expenses of such inspectors shall be paid out of the county general fund in such manner as is provided by law. Such inspectors shall have the same powers relative to enforcement of the taxes hereby levied that law enforcement officers employed by the Alabama Alcoholic Beverage Control Board have relative to enforcing the state tax on spirituous liquors and on malt and brewed beverages. Any municipality in the county may also employ a special alcoholic beverage law enforcement officer for such municipality whose chief duty shall be enforcement of this act.

In addition to all other records and reports required under this act, each wholesale distributor shall, by the 20th day of each month, file a report with the probate judge showing his inventory of beer on the first day of the preceding month, by brand and type of container, his inventory of beer on the last day of the preceding month, an accounting for all beer broken or damaged during the preceding month, proof of state authorization for transfers to other wholesale distributors, and a record of all beer in transit to such distributor from breweries.

In addition to all other records and reports required under this act, each private club shall file with the probate judge on or before the 20th day of each month detailed inventory of all alcoholic beverages on hand on the first day and the last day of the preceding month, and a record of all purchases of alcoholic beverages made by it during the preceding month.

In addition to all other reports and records required under this act, each retail beer seller shall file with the probate judge on or before the 20th day of each month a detailed inventory of all beer on hand on the first day and the last day of the preceding month.

The license of any wholesale distributor, private club, or retail seller failing or refusing to file the reports shall be suspended forthwith by the probate judge pending receipt of such report.

Amend House Bill No. 165 Page 24 Line 12, by striking out the word October. and substituting the word November.

Also:

Amend House Bill No. 165 Page 12 Line 30, by adding the following after the word sentence:

"Provided however that any subsidy received shall be paid to the city of Auburn."

Amend H. B. 165, as amended, as follows:

Amend Section 7, Page 23, Line 33, by inserting immediately after the words "Section 6 (b)" and immediately preceding the words "of this Act", the following language:

"and Section 8".

Amend Section 7, Page 25, Line 9, by deleting the language contained on Line 9 and inserting in lieu thereof the following language:

"excess of base year net revenue over projected revenue. (Base year net revenue - projected revenue = net revenue loss)."

Amend Section 7, Page 26, Line 12, by inserting immediately following the words "paid into" and preceding the words "the general fund of this state", the following language:

"the supplement beer tax escrow fund, if any, as authorized by Section 8 of this Act, or if there is no supplement beer tax escrow fund, then paid into".

Insert a new Section 8 immediately after Section 7 where it ends on Page 27, line 10, and renumber present Sections 8 through 11 to be Sections 9 through 12, respectively, which new Section 8 shall read as follows:

"Section 8. Supplemental Revenue Loss Phase-Out System.—

(a) When used in this Section of this Act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **SUPPLEMENT BEER TAX ESCROW FUND.** A fund established with the alcoholic beverage control board as escrow agent funded by payments made by wholesale beer licensees collecting the tax imposed by this Act, such payments being made from the discount provided by Section 1 (b) of this Act. From the fund, the board shall pay to each supplement eligible county the amount or amounts provided by this Section for the purpose of phasing out the supplement net revenue loss, if any, which would be experienced by supplement eligible counties.

(2) **SUPPLEMENT ELIGIBLE COUNTY.** Any Eligible County which would, as a result of the uniform tax levied on beer by this Act, continue to experience a decrease in its net local tax revenue collected on beer beyond the end of the subsidy provided in Section 7 of this Act. In order for any county to become eligible for the supplement, it must have been an Eligible County under Section 7 of this Act and must timely file a claim for its supplement net revenue loss, which claim must be certified by the board as provided in subsection (e) of this Section. Provided, however, that no county will be a Supplement Eligible County if any adjoining dry county or municipality shall have become wet between the effective date of this Act and October 1, 1985.

(3) **SUPPLEMENT BASE YEAR.** The year commencing October 1, 1985, and ending September 30, 1986.

(4) **SUPPLEMENT BASE YEAR CASES.** The number of cases of beer sold within a Eligible County during the supplement base year upon which the uniform tax levied on beer by this Act were paid in that county, which number shall be determined by the board.

(5) **SUPPLEMENT BASE YEAR NET REVENUE.** The actual revenue realized within a county from uniform local beer taxes collected on the sale of the supplement base year cases pursuant to this Act. The amount of revenue derived from supplement base year cases multiplied by the rate of tax per case levied by this Act, after deducting the discount of two and one-half percent (2½%) prescribed in Section 1 (b) hereof. (Supplement base year cases × rate of tax per case – 2½% discount = supplement base year net revenue).

6. **SUPPLEMENT NET REVENUE LOSS.** The excess of base year net revenue over supplement base year net revenue. (Base year net revenue – supplement base year net revenue = supplement net revenue loss).

(7) **SUPPLEMENT, or SUPPLEMENTAL SUBSIDY.** The sum of money paid from the supplement beer tax escrow fund by the board to each supplement eligible county in installments as hereinafter provided totaling 200% of its supplement net revenue loss.

(b) There is hereby established a Supplement Beer Tax Escrow Fund into which shall be paid the total amount of 200% of the annual supplement net revenue loss as herein defined and calculated, which loss would be experienced by those supplement eligible counties. This Supplement Beer Tax Escrow Fund shall be funded by payments from funds provided by the discount permitted by Section 1 (b) of this Act made by wholesale beer licensees who collect the uniform tax levied by this Act.

(c) All wholesale beer licensees collecting the tax imposed by this Act shall pay into the Supplement Beer Tax Escrow Fund. Such payments are to total a sum equal to 200% of the supplement net revenue loss of supplement eligible counties, as determined by the board, and are to be made from the 2½% discount prescribed for wholesale licensees in Section 1 (b) hereof, as follows: wholesale beer licensees collecting the tax imposed by this Act shall pay monthly to the board for deposit in and credit to the supplement beer tax escrow fund the sum of two and one-half cents (2½¢) per case for each case of beer received during the preceding month upon which beer tax is paid in this state. Such monthly payments shall commence on October 31, 1986, and shall be paid not later than the last day of each succeeding month and shall continue monthly until the total of the payments made into the fund shall be equal to or exceed the total supplements to be paid to all supplement eligible counties. The board shall cease collecting payments and shall so notify promptly each participating beer wholesaler when the total of the payments made to the board shall be equal to or exceed the total supplements to be paid. Upon the payment of supplements to all supplement eligible counties, any moneys remaining in the fund shall be paid into the general fund of this state.

(d) Each supplement eligible county shall be paid 200% of its supplement net revenue loss (the excess of base year net revenue as defined in Section 7 of this Act over supplement base year revenue) by the board from the fund from the supplement beer escrow fund, as follows:

For the fiscal year commencing October 1, 1986, and ending September 30, 1987, the payment to each supplement eligible county shall be 100% of its

supplement net revenue loss, or excess of base year net revenue over supplement base year revenue, and for the fiscal year October 1, 1987 through September 30, 1988, 100% of its supplement net revenue loss.

The board shall pay the supplement to each supplement eligible county on the 15th day of the months of March, June and September of the years, 1987 and 1988, an amount equal to one-third (1/3) of the total annual supplement payment to be made during that fiscal year; provided, should the supplement beer tax escrow fund not contain sufficient money to make any given payment, any deficiency shall be made up in the next succeeding payment or payments.

(e) Any Eligible County desiring to assert a claim of eligibility for the supplement under this Section must file its claim with the board within 60 days after September 30, 1986. Upon the filing of such claim, the board shall, within 60 days after the filing of a claim, investigate and determine the eligibility of the claims of said Eligible County for supplement and, if eligible for the supplement, the amount of its supplement. The decision of the board on supplement eligibility and the supplement amount shall be final and binding. No dry county shall be eligible to receive a supplement on or after the effective date of its becoming a dry county."

Amend H. 165 as follows:

On page 4, line 27, delete the word "county" and insert in lieu thereof the following:

County Board of Education with the funds to be used for capital outlay, maintenance of existing buildings and instructional materials.

#### AMENDMENT TO H. B. 165

In Section 1(c)(2)(xx), which relates to Madison County, in subsection (B) insert below the word "Triana" the following : Madison.

#### AMENDMENT TO H. 165

On page 14, after line 4, delete the following language:

Provided, however, any and all revenue generated outside of an incorporated municipality shall be deposited into the county general fund.

Amend H. 165 by deleting Paragraph C of Section 1(c)(2)(xvi) at lines 18-23 on page 12, and substitute in lieu thereof the following:

"C". Fund C shall be distributed as follows:

- (a) fifty percent (50%), or two million dollars (\$2,000,000.00) annually, which ever is the greater, shall be paid to the Birmingham-Jefferson County Transit Authority or its successor.
- (b) The balance shall be divided between the County and the Incorporated municipalities within the county upon a population basis with the municipal share

determined by the respective populations of said municipalities, and the county share by the population of the unincorporated areas thereof, according to the last Federal Census at the time the distribution is made.

Amend H. 165 Section 1(c)(2)(xxvii) on page 17 by amending line 23 to read as follows:

"the general fund of the county., from which \$7,000 shall be credited to a Legislative Delegation Fund to be controlled by the Legislative Delegation of Sumter County."

#### SUBSTITUTE MOTION TABLED

On motion of Rep. Harrison, the substitute motion offered by Rep. Payne that the House non-concur in the Senate amendment to the bill, H. 165, and request a Committee on Conference on the disagreement of the two Houses on the Senate amendment, was tabled.

Yeas 46; Nays 36.

*Yeas:*

Reps. Albright, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Escott, Gafford, Harper (O), Harper (T), Harrison, Higginbotham, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Patton, Pegues, Reed, Roberts, Sasser, Seibels, Starkey, Stewart, Stout, Tucker, Venable, Waggoner and Wyatt.

—46

*Nays:*

Reps. Adams (C), Adams (H), Boles, Brakefield, Carothers, Cheatwood, Coburn, Crow, Dial, Drinkard, Goodwin, Gregg, Grimsley, Hall, Hammett, Hines, Holmes, Laird, Langford, Letson, Lewis, Olive, Owens, Parker, Payne, Penry, Rains, Smith (C), Smith (M), Trammell, Turner, Ward, Warren, Williams, Willis and Zoghby.

—36

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 153. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.



SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 165 RESUMED

The question was then on the motion offered by Rep. Clark (G) that the House concur in and adopt the Senate amendment to the bill, H. 165.

SUBSTITUTE MOTION TABLED

On motion of Rep. Clark (G), the substitute motion offered by Rep. Penry that the House non-concur in the Senate amendment to the bill, H. 165, was tabled.

Yeas 56; Nays 32.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carothers, Carter, Clark (G), Clark (W), Cobb, Cosby, Crow, Dixon, Edwards, Escott, Gafford, Gilmer, Harper (T), Harrison, Higginbotham, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, McKee, McMillan, Manley, Minus, Mitchell, Nevett, Owens, Patton, Pegues, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Tucker, Turner, Waggoner, Whatley, Willis, Wyatt and Zoghby.

—56

*Nays:*

Reps. Adams (H), Boles, Cates, Cheatwood, Coburn, Cooley, Dial, Drinkard, Ford, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Laird, Letson, Lewis, Olive, Parker, Payne, Penry, Rains, Ray, Smith (M), Trammell, Venable, Warren and Williams.

—32

The question was again on the motion offered by Rep. Clark (G), that the House concur in and adopt the Senate amendment to the bill, H. 165, and the motion was adopted.

Yeas 56; Nays 27.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Escott, Gafford, Harper (T), Harrison, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, McKee, Minus, Mitchell, Nevett, Owens, Patton, Pegues, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—56

*Nays:*

Reps. Boles, Campbell, Cates, Cheatwood, Coburn, Daniels, Dial, Drinkard, Goodwin, Gregg, Hall, Hammett, Harper (O), Harvey, Johnson (R. G.), Lewis, McMillan, Olive, Parker, Payne, Penry, Ray, Smith (M), Trammell, Venable, Warren and Williams.

—27

And the bill, H. 165 as amended, was again read at length and passed.

Yeas 59; Nays 32.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Escott, Gafford, Harper (T), Harrison, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Owens, Patton, Pegues, Rains, Reed, Riddick, Roberts, Seibels, Smith (C), Smith (M), Starkey, Stewart, Tucker, Turner, Waggoner, Whatley, Willis, Wyatt and Zoghby.

—59

*Nays:*

Reps. Adams (H), Boles, Cates, Cheatwood, Coburn, Daniels, Drinkard, Ford, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Johnson (R. G.), Kelley, Laird, Lewis, McMillan, Olive, Parker, Payne, Penry, Ray, Smith (J), Trammell, Venable, Warren and Williams.

—32

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 373. To amend section 41-16-27, Code of Alabama 1975, so as to add factors to be considered in the letting of certain contracts.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Roberts, the House concurred in and adopted the Senate amendment to the bill, H. 373, said Senate amendment being as follows:

Amend House Bill No. 373 Page 2 Line 9 & 40, by inserting after the word "Agency" the following:

"And must be resolution, approve the actions of the awarding authority before final awarding of any such contract."

And by deleting the words "and make recommendations to the awarding authority" on line 40.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Bowling, Brakefield, Carothers, Carter, Clark (W), Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Minus, Naramore, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—60

And the bill, H. 373 as amended, was again read at length and passed.

Yeas 59; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Blake, Brakefield, Carothers, Carter, Cates, Clark (W), Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Minus, Naramore, Nevett, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—59

## RESOLUTIONS

The following resolution was introduced:

By Reps. Harper (T), Bedsole, Penry, McMillan, Buskey, Stewart, Warren, Clark (W), Zoghby, Parker and Kennedy:

H. J. R. 383. NAMING OF A NEW BOAT RAMP IN MT. VERNON, ALABAMA AFTER REPRESENTATIVE J. E. TURNER.

WHEREAS, The Honorable J. E. Turner serves District 96 of Mobile and Washington County; and

WHEREAS, he has served his district well with loyal dedication and in the best interests of his fellow citizens, and,

WHEREAS, through his tireless efforts was successful in obtaining \$50,000 for the construction of a new boat ramp at Mt. Vernon in Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation for dedicated public service and achievement, we hereby name and designate the ramp at Fort Stoddard in Mount Vernon, Alabama as the J. E. Turner Boat Ramp.

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said Boat Ramp as the J. E. Turner Boat Ramp.

RESOLVED FURTHER, That a copy of this resolution be given to Representative J. E. Turner as a memento of this honorary designation of the Alabama Legislature.

On motion of Rep. Harper (T), the rules were suspended and the resolution, H. J. R. 383, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Reed:

H. R. 384. COMMENDING MR. EVERETT E. HAMILTON.

Also:

The following resolution was introduced:

By Rep. Gafford:

H. R. 385. RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

WHEREAS, the House of Representatives enacted H. J. R. 165, by passage in the Alabama House of Representatives on the 20th legislative day, March 23, 1982, and adoption in the Alabama Senate on the 26th legislative day, April 8, 1982, and now finds it in its possession; and

WHEREAS, said H. J. R. 165 resets the election date for Act No. 81-889, S. 32 of the First Special Session 1981, and rescinds the date therefor for the proposed constitutional amendment on budgetary matters; and

WHEREAS, the said H. J. R. 165 stated in pertinent part that:

“BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him”; and

WHEREAS, any purported executive veto of any order, vote or resolution on questions of, inter alia, “the bringing on of elections by the two houses and amending this Constitution” can be only a nullity and is without the constitutional authority of the Governor; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we do, in accordance with Sections 125, 284 and 287, Constitution of Alabama 1901, return H. J. R. 165, 1982 Regular Session, to the Secretary of State and hereby direct that he assign an Act number to said H. J. R. 165, abide by the requirements prescribed therein and keep such document which relates to amending the Constitution and election date called therefor within the exclusive possession of his official capacity, so that the ballot shall be prepared and the date proclaimed as designated in H. J. R. 165, 1982 Regular Session.

BE IT FURTHER RESOLVED, That we do direct the Clerk of the House to cause delivery forthwith directly to the Secretary of State and to the President of the Senate and that no copies of this resolution shall be sent to the Governor.

The resolution, H. R. 385, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 306. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto in Mobile County, Alabama.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. McMillan, the House concurred in and adopted the Senate amendment to the bill, H. 306, said Senate amendment being as follows:

Further amend H. B. 306 (as amended), on page 3, line 15, after the period, by inserting the following:

Provided, further, all property located North of Interstate Highway 65 and located in Section 11 or 12, is specifically excluded from this description.

Yeas 11; Nays 0.

*Yeas:*

Reps. Barton, Bedsole, Clark (W), Harper (T), McMillan, Parker, Penry, Rains, Smith (J), Stout and Zoghby.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 306 as amended, was again read at length and passed.

Yeas 14; Nays 0.

*Yeas:*

Reps. Barton, Bedsole, Clark (W), Hall, Harper (T), Holmes, Kelley, McMillan, Parker, Seibels, Smith (J), Stewart, Stout and Zoghby.

—14

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 307. To amend Section 40-23-1, Alabama Code, 1975, as amended, so as to provide that the dispensing or transferring of ophthalmic materials to a patient by licensed ophthalmologists or optometrists, as part of their professional service, shall not be considered a sale subject to the state sales tax; to place the responsibility for collecting the sales tax on the transfer of ophthalmic materials on the supplier of such materials to licensed ophthalmologists and optometrists; and to provide that in limited circumstances, the transfer of ophthalmic materials by opticians shall not be considered a sale subject to the state sales tax.

said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To The Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor returning Senate Bill No. 307 without the Governor's signature and approval.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.  
Legal Advisor.

Done this 15th day of April, 1982.

To The Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 307, without my signature and approval and with the following suggested Executive Amendment:

On page 8 at line 12, delete the word "provision" and substitute instead the word "providing".

On page 8 at line 16, insert the word "retail" between the words "considered" and "sales".

On page 8 at line 17, delete the following language after the word "tax" "unless such materials have been prescribed by a licensed ophthalmologist or

optometrist". and following the sentence period insert the following language: "The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling ophthalmic materials to ophthalmologists and optometrists".

On page 8, Section 3, line 27, amend effective date to read as follows: This Act shall become effective immediately upon the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 307, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 18, Nays 0.

And said Bill, S. B. 307, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 18, Nays 0.

And said Bill, S. B. 307, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Waggoner, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 307, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Cabaniss, Cates, Clark (W), Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (T), Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Penry, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

—48

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 307, as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Cabaniss, Carter, Cates, Clark (W), Cobb, Crow, Daniels, Dixon, Drinkard, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Higginbotham, Holmes, Johnson (R. G.), Kelley, Kennedy, McKee, McMillan, Moore, Naramore, Nevett, Olive, Owens, Penry, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Warren, Whatley, Wyatt and Zoghby.

—48

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in Section 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-4 so as to: change the time within which charges must be heard; and to change the place of the hearing.

said Conference Report being in words and figures as follows:

#### CONFERENCE COMMITTEE REPORT S. 129

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning Senate Bill 129, have met, considered the matter, and agreed to the following report.

We recommend that the Senate and the House of Representatives adopt the attached Conference Committee Substitute.

CHARLES WHATLEY,

SETH HAMMETT,

RICHARD S. "RICK" MANLEY,

Conferees of the part of the House.

MAC PARSONS,

RYAN deGRAFFENRIED, JR.,

LARRY H. KEENER,

Conferees on the Part of the Senate.



A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in Section 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-4 so as to: delete the requirement that at least 80 percent of the first job of a newly licensed contractor be satisfactorily performed before performing work beyond that contract; change the time within which charges must be heard and to change the place of the hearing.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Section 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Licensing Board for General Contractors, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-8-1 through 34-8-27, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Licensing Board For General Contractors, created and functioning pursuant to Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-8-2 and 34-8-4 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 34-8-2.

"(a) Any person desiring to be licensed or desiring a renewal of an existing license as a general contractor in this state shall make and file with the board, not less than 30 days prior to any regular or special meeting thereof, a written application on such form as may then be by the board prescribed for examination by the board, which application shall be accompanied by \$200.00 for a new application or \$100.00 in case of a renewal. The applicant shall apply for a license covering the type or types of contracts on which he wishes to perform, and the board shall classify contractors according to the type or types of contracts on which they may perform, within maximum bid limits, on the following basis: the applicant's request, his last annual financial statement, prepared by a certified public accountant (C. P. A.), or by any independent licensed public accountant approved by the licensing board for general contractors, his previous experience, equipment and the facts in each case. An applicant shall not be so classified as to permit him to bid on or to perform a type of work not included in his request for a license. If the application is satisfactory to the board, then the applicant may be required to take an examination to determine his qualifications. If the result of the examination of the applicant is satisfactory to the board, the board shall then issue to the applicant a certificate to engage in general contracting in the state of Alabama, stipulating in each license issued the type or types of work the contractor is permitted to bid on or to perform under his license, and also setting out a letter symbol indicating the maximum

limits on which he is permitted to bid or to perform in a single contract. The maximum bid limits shall be set by the formula of not more than 10 times the net worth as shown by the applicant's latest financial statement and designated in the classification set out herein that is the closest to this amount. Should the applicant's financial statement fail to substantiate the limits requested, further consideration may be given to (1) the present market value in lieu of book value of listed assets when properly supported with substantiating evidence; and (2) a combined statement of the applicant that includes other wholly owned or substantially owned interests. When an applicant's statement qualifies for an amount in excess of classification 'E,' the limits shall then be set as classification 'U'—Unlimited. The following letter symbols indicate the maximum amount bid limits allowed a licensee on any one single contract undertaking:

A	Not to exceed	.....\$	100,000.00
B	Not to exceed	.....	250,000.00
C	Not to exceed	.....	500,000.00
D	Not to exceed	.....	1,000,000.00
E	Not to exceed	.....	3,000,000.00
U	Unlimited		

"(b) Any person failing to pass such examination may be reexamined at any regular or call meeting of the board. The certificate of authority to engage in the business of general contracting in the state of Alabama shall expire on December 31 following its issuance or renewal and shall become invalid on that date unless renewed. Upon the renewals of a license, the board shall reclassify or confirm the license both as to the types of work and bid limits as specified in this section. A licensee may apply for and, on proof satisfactory to the board, may receive an increase in the amount of his bid limit or a change in his classification. Application for renewals of a license, together with the payment of a fee of \$100.00, received by the board at least 30 days prior to expiration, shall serve to extend the current license until the board either renews the license or denies the application. Each newly licensed contractor performing work for the first time shall not be allowed to perform work beyond one contract under this license until evidence has been furnished satisfactory to the board that at least 80 percent of the first job has been satisfactorily performed. At the discretion of the board, a limited license may be issued for a particular project.

"Section 34-8-4.

"The board shall have the power to revoke the certificate of license of any general contractor licensed hereunder who is found guilty of any fraud or deceit in obtaining a license or gross negligence, incompetence or misconduct in the conduct of business. Any person may prefer charges of such fraud, deceit, negligence or misconduct against any general contractor licensed hereunder. Such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within 90 days after the date on which they were preferred. A time and place for such hearing shall be fixed by the board and held in the county in which said charges originated. The hearing shall be held at the office of the State Licensing Board For General Contractors in Montgomery, Alabama. A copy of the charges, together with the notice of the time and place of hearing,

shall be legally served on the accused by the secretary of the board, any sheriff in the state or by registered or certified mail, at least 10 days before the fixed date for the hearing; and, in the event that such service cannot be effected 10 days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him, her or them and to produce evidence of witnesses in his, her or their defense. If after said hearing the board votes in favor of finding the accused guilty, the board shall revoke the license of the accused. The board may reissue a license to any person, firm or corporation whose license has been revoked. The board shall immediately notify the secretary of state and the clerk of each incorporated city, town or county in the state of its findings in the case of the revocation or of the reissuance of a revoked license. A certificate of license to replace any certificate lost, destroyed or mutilated may be issued subject to the rules and regulations of the board."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, S. B. 129, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Whatley, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 129, said Report being set out in the above and foregoing Message from the Senate.

Yeas 45; Nays 0

*Yeas:*

Reps. Bedsole, Biddle, Cates, Cheatwood, Clark (W), Cobb, Dixon, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (T), Higginbotham, Holmes, Howard, Kelley, Kennedy, Langford, Letson, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Wyatt and Zoghyb.

—45

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in Section 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-4 so as to: delete the requirement that at least 80 percent of the first job of a newly licensed contractor be satisfactorily performed before performing work beyond that contract; change the time within which charges must be heard and to change the place of the hearing.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 56; Nays 1.

*Yeas:*

Mr. Speaker, Bedsole, Blake, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Dixon, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (T), Higginbotham, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Venable, Ward, Warren, Whatley, Wyatt and Zoghyby.

—56

*Nay:* Rep. Hall.

—1

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White:

S. J. R. 257, MOURNING THE DEATH OF MRS. MARIE REYNOLDS LEWIS OF BESSEMER, ALABAMA.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Marie Reynolds Lewis of Bessemer, Alabama on April 12, 1982, at the age of 64 years; and

WHEREAS, Mrs. Lewis' death came following a brave and gallant fight against the ravages of bone marrow cancer, a battle she faced with courage and great fortitude despite such formidable odds; and

WHEREAS, as one of her city's most prominent civic leaders, Mrs. Lewis was a charter member of the Bessemer Beautification Club, a past president of the Southwestern Council of Garden Clubs, a member of the Mentor Club, Artes Garden Club, the Ludus Artes Study Club and of the First United Methodist Church of Bessemer; and

WHEREAS, Mrs. Lewis was the beloved wife of Mr. Malcolm E. Lewis, and also is survived by their son, Duane Lewis, their daughter, Mrs. Shelia Morgan, and by her sister, Mrs. Annie Mae Carlton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Marie Reynolds Lewis of Bessemer, Alabama and extend our most heartfelt sympathy to her husband, daughter and sister and to her son, our friend and colleague, Duane Lewis, to whom copies of this resolution shall be sent in expression of our sincerely shared sorrow in their great and grievous loss.

SENATE MESSAGE

The resolution, S. J. R. 257 set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Callahan:

S. J. R. 255. DESIGNATING APRIL 26, 1982, AS NATIONAL FOOTBALL FOUNDATION SCHOLAR-ATHLETE DAY IN ALABAMA.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Waggoner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 255, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Bailey and Miller:

S. J. R. 254. COMMENDING CHIEF RAY BARNES AND THE DOTHAN PINE DEPARTMENT.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 254, the title of which is set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 258. COMMENDING THE LIVINGSTON UNIVERSITY LADY TIGERS BASKETBALL TEAM FOR WINNING THEIR SECOND CONSECUTIVE AIAAW SOUTHERN DIVISION CHAMPIONSHIP.

Also:

By Mr. Little:

S. J. R. 259. COMMENDING THE AUBURN UNIVERSITY WOMEN'S SWIM TEAM ON ITS RECENT PERFORMANCE AT THE N.C.A.A. CHAMPIONSHIPS.

Also:

By Mr. Little:

S. J. R. 260. COMMENDING AUBURN UNIVERSITY WOMEN'S BASKETBALL TEAM ON ITS EXCELLENT SEASON.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Minus, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 258, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 259 and S. J. R. 260, the titles of which are set out in the above and foregoing Message from the Senate.

## BILLS ON THIRD READING

And the bill:

S. 329. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

Was read a third time at length and passed.

Yeas 9; Nays 1.

*Yeas:*

Reps. Bennett, Cheatwood, Grimsley, Hall, Moore, Nevett, Olive, Seibels and Waggoner.

—9

*Nay:* Rep. Harrison.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 459. Relating to Walker County; providing for an additional fee for the issuance of a pistol permit fee by the sheriff; providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

Was read a third time at length and passed.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Higginbotham, Hines, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Warren, Whatley, Williams and Wyatt.

—66

And the bill:

S. 494. Relating to Marshall County; levying an additional 1% lodgings tax to be used by the Marshall County Tourism Commission for the promotion of Marshall County as a tourist destination; providing that the state department of revenue shall collect such tax.

Was read a third time at length and passed.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer,

Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Higginbotham, Hines, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Warren, Whatley, Williams and Wyatt.

—66

And the bill:

S. 531. To amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), relating to Shelby County and the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

Was read a third time at length and passed.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Higginbotham, Hines, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Warren, Whatley, Williams and Wyatt.

—66

#### MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Waggoner offered the motion to reconsider the vote by which the bill, S. 329, was passed, and the motion to reconsider was adopted.

#### S. 329 INDEFINITELY POSTPONED

On motion of Rep. Waggoner, the bill, S. 329, was indefinitely postponed.

Yeas 26; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Bowling, Cheatwood, Drinkard, Gafford, Gilmer, Hall, Horn, Howard, Johnson (R. G.), Moore, Olive, Owens, Sasser, Seibels, Smith (C), Stewart, Trammell, Turner, Warren and Zoghby.

—26

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.



S. 432 TEMPORARILY POSTPONED

On motion of Rep. Kelley, the bill, S. 432, was temporarily postponed.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the Bill:

S. 24. (With Amendments): To require that persons who transport children under the age of four use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Was taken up.

SUBSTITUTE OFFERED

Rep. Waggoner offered the following substitute to the bill, S. 24, with pending amendments reported by the Standing Committee on Highway Safety, said substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To require that persons who transport children under the age of three use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person transporting a child under the age of three (3) years in a motor vehicle registered in this state and operated on the roadways, street, or highways of this state, shall provide for the protection of the child by properly using a child passenger restraint system meeting applicable federal motor vehicle safety standards. Provided that in no event shall failure to wear a child passenger restraint system be considered as contributory negligence.

Provided that the term "motor vehicle" as used in this act shall not apply to trucks or buses having tonnage rating of one ton or more.

Section 2. No provision of this act shall be construed as creating any duty, standard of care, right, or liability between parent and child that is not recognized under the laws of the State of Alabama as they presently exist, or may, at any time in the future, be constituted by statute or decision.

Section 3. Any person violating the provisions of this act may be fined not more than ten dollars (\$10.00) for each offense.

Section 4. The provisions of this Act notwithstanding, nothing contained herein shall be deemed a violation of any law which would otherwise nullify or change in any way the provisions or coverage of any insurance contract.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not render the entire Act invalid.

Section 7. This Act shall become effective within sixty days after its passage and approval by the Governor.

## SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 56; Nays 3.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Carothers, Carter, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harvey, Higginbotham, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Lewis, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Roberts, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley and Zoghby.

—56

*Nays:* Reps. Holmes, Laird and Wyatt.

—3

And the bill, S. 24 as amended, was read a third time at length and passed.

Yeas 63; Nays 9.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Gregg, Grimelsy, Grouby, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Holley, Horn, Howard, Johnson (Roy), Kelley, Lewis, Mitchell, Moore, Naramore, Olive, Owens, Patton, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—63

*Nays:*

Reps. Barton, Blake, Buskey, Cosby, Holmes, Johnson (R. G.), Laird, Minus and Smith (C).

—9

And the bill:

S. 41. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to

the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

Was read a third time at length and passed.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Higginbotham, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Minus, Mitchell, Naramore, Olive, Owens, Pegues, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

—65

And the bill:

S. 315. (With Amendment): To create the Office of Air Transportation (hereinafter referred to as the Office); to centralize the maintenance, management, storage, usage, fueling, and operations of state owned aircraft; to designate the Act as the "Office of Air Transportation Act of 1982"; to provide a statement of legislative intent; to provide definitions; to provide for a director of the Office; to provide for other personnel for the Office; to provide for the transfer of property and funds from various state agencies which presently maintain and operate state aircraft and to provide for certain exceptions from the provisions of this Act; to authorize the Office to establish a state program of state aircraft operations and to set reasonable charges for the use and maintenance of state aircraft by other state agencies and departments; to provide for duties, powers and functions of the Office; to legislate appropriate funds; to create a revolving fund in the state treasury for the operations of the Office and to authorize the director to make deposits and expenditures from time to time as are necessary for the Office's operations; and to require annual reporting by the director of the Office's operations to the Governor and to the Legislature.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend Senate Bill 315, Section 7, Page 3, beginning on line 34, by striking subsection (b) in its entirety and inserting a new subsection (b) to read as follows:

(b) The State Forestry Commission, the Department of Public Safety, the Alabama Department of Aeronautics, the State Oil and Gas Board, the State Department of Conservation and Natural Resources, and all trade schools, two year post secondary junior colleges and technical colleges and all

four year colleges and universities shall be excepted from the provisions of this Act, except pilot classifications of the State Forestry Commission and the State Department of Conservation and Natural Resources, and they shall be governed by Section 6 (six) of this Act. Each excepted commission or department will utilize the Office's central state hangars, fuel and maintenance department when economically feasible. Such services rendered by the central state hangar, fuel and maintenance department shall be billed by the Office at the end of each month to the respective commission or department.

And the amendment was adopted.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (W), Coburn, Cooley, Crow, Daniels, Dial, Dixon, Edwards, Goodwin, Grimsley, Grouby, Hammett, Harvey, Higginbotham, Hines, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Ray, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—64

And the bill, S. 315 as amended, was read a third time at length and passed.

Yeas 64; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harvey, Higginbotham, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Rains, Riddick, Roberts, Sasser, Seibels, Shoemaker, Starkey, Stewart, Trammell, Turner, Waggoner, Warren, Williams, Willis and Zoghby.

—64

*Nays:* Reps. Harrison and Johnson (Roy).

—2

## RESOLUTIONS

The following resolutions were introduced:

By Rep. Gafford:

H. J. R. 386. RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

WHEREAS, the Alabama Legislature enacted H. J. R. 165, by passage in the Alabama House of Representatives on the 20th legislative day, March 23, 1982, and adoption in the Alabama Senate on the 26th legislative day, April 8, 1982, and now finds it in its possession; and

WHEREAS, said H. J. R. 165 resets the election date for Act No. 81-889, S. 32 of the First Special Session 1981, and rescinds the date therefor for the proposed constitutional amendment on budgetary matters; and

WHEREAS, the said H. J. R. 165 stated in pertinent part that:

"BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him"; and

WHEREAS, any purported executive veto of any order, vote or resolution on questions of, inter alia, "the bringing on of elections by the two houses and amending this Constitution" can be only a nullity and is without the constitutional authority of the Governor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do, in accordance with Sections 125, 284 and 287, Constitution of Alabama 1901, return H. J. R. 165, 1982 Regular Session, to the Secretary of State and hereby direct that he assign an Act number to said H. J. R. 165, abide by the requirements prescribed therein and keep such document which relates to amending the Constitution and election date called therefor within the exclusive possession of this official capacity, so that the ballot shall be prepared and the date proclaimed as designated as H. J. R. 165, 1982 Regular Session.

BE IT FURTHER RESOLVED, That we do direct the Clerk of the House to cause delivery forthwith directly to the Secretary of State and that no copies of this resolution shall be sent to the Governor.

The resolution, H. J. R. 386, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Gregg:

H. J. R. 387. WHEREAS, in accordance with the State Military Department regulation SMDR No. 7-19 and SMDR (AIR) 900-1 as issued by the office of the adjutant general May 16, 1972, there were certain Alabama declarations, Alabama service medals, United States Army and Air Force medals awarded for the purpose of providing tangible evidence of public recognition for acts of valor, exceptional service or achievement, and

WHEREAS, these medals have been highly prized by their recipients and have contributed to their desire to provide even greater distinguished service to their fellow citizens, state and country, and

WHEREAS, these medals and declarations have been replaced within the past few years with lesser notice of certificate of awards, and

WHEREAS, there have been complaints as to the aforesaid action, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the office of adjutant general, and particularly General Henry Cobb, to reinstitute the provisions of SMDR No. 7-19 and SMDR (AIR) No. 900-1, so as to provide a tangible and more valued recognition of service to those who serve our State and Nation so admirably,

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to General Henry Cobb, The Honorable Joe McCorquodale, Jr., the Honorable George McMillan, and our Governor, the Honorable Fob James, with the request of their support for the intent of this resolution.

On motion of Rep. Gregg, the rules were suspended and the resolution, H. J. R. 387, was adopted.

## SPECIAL ORDER RESUMED

And the bill:

S. 47. (With Amendments): To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an Environmental Management Commission within the Department; to provide for powers and functions of the Environmental Management Commission; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for the repeal of, exemption from or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions, and equipment of the Coastal Area Board to the Office of State Planning and Federal Programs; to provide for the creation of a Coastal Resources Advisory Committee; to provide for the severability of provisions of the Act; and to provide for an effective date of this Act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Senate Amendment to Senate Bill 47, line 14 after the colon by inserting in

And the amendment was adopted.

Yeas 43; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Biddle, Blake, Campbell, Carothers, Cooley, Crow, Dial, Dixon, Edwards, Gafford, Goodwin, Grimsley, Harper (O), Holmes, Horn, Johnson (R. G.), Langford, Letson, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Rains, Riddick, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—43

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Senate Bill 47 as follows:

On page 3, line 14, after the word "attorney" strike admitted and insert in lieu thereof licensed

On page 4, line 29, after the word "in" by inserting the City of Montgomery.

On page 10, line 31, after the period by inserting the following: No member of the Commission may serve more than a total of eighteen years.

On page 11, line 15, after the word "attorney" by striking admitted and insert in lieu thereof licensed.

On page 12, line 11, after the word "Commission" by changing the period to a comma and adding but shall not exceed three consecutive years.

On page 13, line 4, after the word "expenses" by inserting when attending meetings.

On page 53, Section 14, after line 19 by adding the following new subsection :

(e) Provided, however, no provision of this act shall be construed to repeal in whole or in part any provision of Act No. 81-1189, H. 24, Third Special Session 1981.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Biddle, Bowling, Campbell, Carothers, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holmes, Horn, Howard, Johnson (R. G.), Langford, Letson, Manley, Minus, Moore, Naramore, Owens, Parker, Patton, Pegues, Rains, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

#### AMENDMENT OFFERED

Rep. McMillan offered the following amendment to the bill, S. 47 as amended:

On page 7, line 24, Section N, after U. S. C, 6901 et seq., as amended; insert the following language: the designated State Section 306 and 308 agency under 16 U. S. C. A. 1451 et seq., as amended;

#### AMENDMENT TABLED

On motion of Rep. Kelley, the amendment offered by Rep. McMillan to the bill, S. 47 as amended, was tabled.

Yeas 41; Nays 26.

*Yeas:*

Mr. Speaker, Blake, Bowling, Carothers, Cosby, Crow, Dial, Drinkard, Ford, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Laird, Lewis, McMillan, Minus, Naramore, Pegues, Penry, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—41

*Nays:*

Reps. Albright, Bedsole, Bennett, Brakefield, Buskey, Cates, Cheatwood, Coburn, Dixon, Escott, Goodwin, Hall, Harper (T), Harrison, Higginbotham, Horn, Howard, Johnson (Roy), Letson, Nevett, Olive, Parker, Rains, Smith (C), Smith (M) and Tucker.

—26

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 151. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

And said Bill, H. B. 151, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### S. 47 RESUMED

#### AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment No. 1 to the bill, S. 47:

Amend Senate Bill 47, page 10, line 30, after the word "Commission" by striking by the Governor and inserting in lieu thereof the following:

As follows: two members by the Speaker of the House, two members by the Lieutenant Governor and three members by the Governor,

#### AMENDMENT TABLED

On motion of Rep. Kelley, the amendment No. 1 offered by Rep. Smith (M) to the bill, S. 47, was tabled.

Yeas 47; Nays 28.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Blake, Carothers, Carter, Clark (G), Cooley, Cosby, Crow, Dial, Edwards, Ford, Goodwin, Grimsley, Hammett, Harper (O), Harvey, Higginbotham, Johnson (R. G.), Laird, Letson, Manley, Minus, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—47

*Nays:*

Reps. Albright, Bennett, Boles, Buskey, Cheatwood, Clark (W), Coburn, Daniels, Dixon, Escott, Gilmer, Hall, Harper (T), Harrison, Holley, Holmes,



Horn, Howard, Langford, McKee, McMillan, Nevett, Olive, Parker, Smith (C), Smith (M), Tucker and Wyatt.

—28

AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment No. 2 to the bill, S. 47:

Amend Senate Bill 47, page 53, beginning on line 17 by striking subsection (d) in its entirety.

AMENDMENT TABLED

On motion of Rep. Kelley, the amendment No. 2 offered by Rep. Smith (M) to the bill, S. 47, was tabled.

Yeas 47; Nays 27.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Biddle, Blake, Cabaniss, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Goodwin, Grimsley, Hammett, Harper (O), Harvey, Higginbotham, Johnson (R. G.), Letson, Manley, Minus, Moore, Parker, Patton, Pegues, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—47

*Nays:*

Reps. Albright, Cheatwood, Daniels, Dixon, Escott, Gilmer, Hall, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Laird, Langford, McMillan, Nevett, Olive, Payne, Penry, Rains, Ray, Smith (M), Tucker, Ward, Whatley and Wyatt.

—27

AMENDMENT OFFERED

Rep. Bennett offered the following amendment to the bill, S. 47:

To amend Subsection (b) of Section 6 of Senate Bill 47 to read as follows:

(b) The Environmental Management Commission shall be composed of seven eleven members who are citizens of the State. Members shall be appointed to places on the Environmental Management Commission by the Governor with the advice and consent of the Senate. Initial appointments shall be made on or before October 1, 1982. Four of the initial appointees shall be from the membership of the following Boards or Commissions abolished by this Act: the Air Pollution Control Commission, the Water Improvement Commission, the Coastal Area Board, and the Board of Certification of Water and Wastewater Systems Personnel. When a vacancy occurs during a period when the Legislature is not in session to advise and consent, such appointee shall have the full power of the office until and unless the Senate, upon the reconvening of the Legislature, shall by affirmative vote refuse to consent in such appointment. Qualifications of the seven eleven members shall be as follows:

(1) One member shall be a physician licensed to practice medicine in the State of Alabama and shall be familiar with environmental matters have specific expertise regarding water-borne diseases;

(2) One member shall be a physician licensed to practice medicine in the State of Alabama and shall have specific expertise regarding respiratory diseases;

(2) (3) One member shall be a professional engineer registered in the State of Alabama and shall be familiar with environmental matters;

(3) (4) One member shall be an attorney admitted to practice law in the State of Alabama and shall be familiar with environmental matters;

(4) (5) One member shall be a chemist possessing as a minimum a bachelor's doctorate degree from an accredited university or a veterinarian licensed to practice veterinary medicine in the State of Alabama and shall be familiar with environmental matters.

(5) One member that has been certified by the National Water Well Association Certification program; and

(6) One member shall be a biologist or an ecologist possessing as a minimum a bachelor's doctorate degree from an accredited university and shall have training in environmental matters; and

(7) One member shall be a resident of the State for at least two years but shall not be required to have any specialized experience;

(8) One member shall be an ecologist possessing as a minimum a doctorate degree from an accredited university and shall have training in environmental matters;

(9) One member shall be a hydrologist by training and profession;

(10) One member shall be the Commissioner of the Alabama Department of Conservation and Natural Resources or his specially designated representative; and

(11) One member shall be the Health Officer for the State of Alabama or his specially designated representative.

#### AMENDMENT TABLED

On motion of Rep. Kelley, the amendment offered by Rep. Bennett to the bill, S. 47, was tabled.

Yeas 45; Nays 21.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Blake, Cabaniss, Carothers, Carter, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Hammett, Harper (O), Harvey, Johnson (R. G.), Laird, Letson, Minus, Moore, Patton, Payne, Pegues, Rains, Ray, Reed, Roberts, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—45

*Nays:*

Reps. Albright, Bennett, Buskey, Cheatwood, Clark (W), Escott, Hall, Harper (T), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Langford, McMillan, Nevett, Olive, Penry and Smith (M).

—21

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 1 to the bill, S. 47:

To amend Section 2 of S. B. 47 to read as follows:

Section 2. Legislative Intent and Purposes of the Act. Declaration of State Environmental Policy. Implementation of State Environmental Policy by State Agencies.

The Legislature finds the resources of the State must be managed in a manner compatible with the environment, and the health and welfare of the citizens of the State. To respond to the needs of its environment and citizens, the State must have a comprehensive and coordinated program of environmental management. It is therefore the intent of the Legislature to improve the ability of the State to respond in an efficient, comprehensive and coordinated manner to environmental problems, and thereby assure for all citizens of the State a safe, healthful and productive environment.

(a) To this end an Alabama Department of Environmental Management is created by this Act within the Legislative Branch of State government in order to effect the grouping of State agencies which have primary responsibility for administering environmental legislation into one department, to promote economy and efficiency in the operation and management of environmental programs, to eliminate overlapping or duplication of effort within the environmental programs of the State, to provide for timely resolution of permitting actions, to improve services to the citizens of the State, to protect human health and safety, to develop and provide for a unified environmental regulatory and permit system, to provide that the responsibility within the Legislative Branch for the implementation of environmental programs and policies is clearly fixed and ascertainable, and to insure that government is responsive to the needs of the people and sufficiently flexible to meet changing conditions.

(b) It is declared to be the intent of the Legislature to retain for the State, within the constraints of appropriate federal law, the control over its air, land and water resources and to secure cooperation between agencies of the State, agencies of other states, interstate agencies and the federal government in carrying out these objectives.

(c) It is the intent of the Legislature to recognize the unique characteristics of the Alabama coastal region and to provide for its protection and enhancement through a continued coastal area program.

(d) It is not the intent of the Legislature to abrogate any of the powers or duties of the state board of health which are found in §§22-2-1 through 22-2-14 Code of Alabama 1975, as amended.

(e) The legislature of the State of Alabama, recognizing the profound influence of man's activity on the environment, and desiring, in its role as trustee for future generations, to assure that an environment of high quality will be maintained for the health and well-being of all, declares that it shall be the continuing policy of the State of Alabama to conserve and protect its natural resources and to create and maintain conditions under which man and nature can exist in productive harmony. Further, it shall be the policy of the State to seek, for all of its citizens, safe, healthful, productive and aesthetically pleasing surroundings; to attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, and to preserve the important historic and cultural elements of our common inheritance.

(f) The legislature of the State of Alabama authorizes and directs that, to the fullest extent possible:

(i) The policies, regulations, and public laws of this State shall be interpreted and administered in accordance with the policies set forth in this Section; and

(ii) Any State agency shall include in every recommendation or report on proposals for legislation and actions involving expenditure of public moneys for projects and programs significantly affecting the quality of the environment of this State, a detailed statement by the responsible official setting forth the following:

(A) The environmental impact of the proposed action;

(B) Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;

(C) Mitigation measure proposed to minimize the impact;

(D) Alternatives to the proposed action;

(E) The relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity; and

(F) Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any agency which has either jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such detailed statement and such comments shall be made available to the Legislature, to such agency or agencies as the Legislature may designate, and to the appropriate multi-county regional agency as certified by the Director of the Alabama Development Officer, shall be placed in the public file of the agency and shall accompany the proposal through the existing agency review process. A copy of such detailed statement shall be made available to the public and to counties, municipalities, institutions and individuals, upon request.

(iii) The Governor and any State agency charged with duties under this Section may call upon any of the public institutions of higher education of this State for assistance in developing plans and procedures under this Section and in meeting the requirements of this Section.

(g) Whenever, in the judgment of the responsible State official, the information obtained in preparing the statement indicates that a major adverse change in the environment or conflicts concerning alternative uses of available natural resources would result from a specific program, project or action, and that an appropriate alternative cannot be developed, such information shall be presented to the Legislature for review and final decision by it or by such agency as may be designated, in the exercise of the powers of the Legislature.

(h) All agencies of the State shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies

therein which prohibit or hinder full compliance with the purposes and provisions of this Section and shall propose to the Legislature not later than July 1, 1982, such measures as may be necessary to bring their authority, regulations, policies and procedures into conformity with the intent, purposes and procedures set forth in this Section.

(i) Nothing contained in this Section shall be construed to affect or detract from specific statutory requirements on any State agency:

(i) To comply with criteria or standards of environmental quality or to perform other statutory obligations imposed upon it,

(ii) To coordinate or consult with any other State agency or federal agency, or

(iii) To act, or refrain from acting contingent upon the recommendations or certification of any State agency or federal agency.

(j) The governing bodies of all cities, counties, and towns acting individually, or collectively, are hereby authorized to require any special-purpose unit of government and private developer of a major development project to submit detailed statements, as set out and defined in Subsection (f) (ii) of this Section, of the impact of such projects.

(k) As used in this Section, unless the context indicates otherwise:

(i) The term "major development project" shall include but is not limited to shopping centers, subdivisions and other housing developments, and industrial and commercial projects, but shall not include any projects of less than two contiguous acres in extent.

(ii) The term "special-purpose unit of government" includes any special district or public authority.

(iii) The term "State agency" includes every department, agency, institution, public authority, board, commission, bureau, division, council, or officer of the State government of the State of Alabama but does not include local governmental units or bodies such as cities, towns, other municipal corporations or political subdivisions of the State, county or city boards of education, other local special-purpose public districts, units or bodies of any kind, or private corporations created by act of the legislature, except in those instances where programs, projects and actions of local governmental units or bodies are subject to review, approval or licensing by State agencies in accordance with existing statutory authority, in which case local governmental units or bodies shall supply information which may be required by such State agencies for preparation of any environmental statement required by this Section.

(iv) The term responsible "State official," as used in this Section, shall mean the Director, Commissioner, Secretary, Administrator or Chairman of the State agency having primary statutory authority for specific programs, projects or actions subject to this Section, or his authorized representatives.

(1) The policies, obligations and provisions of this Section are supplementary to those set forth in existing authorizations of and statutory provisions applicable to State agencies and local governments. In those instances where a State agency is required to prepare an environmental statement, or comments thereon, under provisions of federal law, such statement or comments will meet the provisions of this Act.

## AMENDMENT TABLED

On motion of Rep. Kelley, the amendment No. 1 offered by Rep. Cheatwood to the bill, S. 47, was tabled.

Yeas 47; Nays 17.

*Yeas:*

Mr. Speaker, Barton, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Grimsley, Hammett, Harper (O), Harvey, Hines, Jackson, Johnson (R. G.), Letson, Lewis, Manley, Minus, Moore, Owens, Parker, Patton, Pegues, Ray, Roberts, Sasser, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner and Zoghby.

—47

*Nays:*

Reps. Buskey, Clark (W), Crow, Gilmer, Harper (T), Holley, Holmes, Horn, Howard, Johnson (Roy), Langford, McMillan, Olive, Rains, Smith (C), Tucker and Wyatt.

—17

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 151. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

Also:

H. 165. To further regulate the taxation of beer by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article, 3A, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, beer; to provide for the collection and distribution of the proceeds of said tax; to authorize county and municipal license fees; to provide for penalties; to proscribe unlawful acts and offenses and prescribe punishment therefor; to provide for eligible counties a phase-out system of net revenue loss from local beer tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of beer, except general sales taxes.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, with certain modifications; to amend sections 34-17-24 and 34-17-25, so as to increase fees and penalties to allow for increased costs of administration of the board.

Also:

S. 508. To supplement the salary of a supernumerary Circuit District Attorney of the Tenth Judicial Circuit of Alabama.

Also:

S. 504. Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repeal conflicting laws.

S. 84. To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase, to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

McDOWELL LEE,  
Secretary.

### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 240. DECLARING THE WEEK OF MAY 30—JUNE 5, 1982 "ALABAMA POULTRY WEEK".

Also:

S. J. R. 241. MOURNING THE DEATH OF DOCTOR EMMETT T. BRUNSON, PROMINENT ENTERPRISE PHYSICIAN AND A DISTINGUISHED ALABAMIAN.

Also:

S. J. R. 245. COMMENDING CRIMSON TIDE BASKETBALL STAR, EDDIE PHILLIPS, OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 251. COMMENDING GORDON R. SHEWMAKE, ALABAMA STATE COMMANDER OF THE VETERANS OF FOREIGN WARS.

McDOWELL LEE,  
Secretary.

## SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

## S. 47 RESUMED

## AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 2 to the bill, S. 47:

To amend on page 5 subsection (b) of Section 4 of S. B. 47 at line 33 to read as follows:

The Director shall be an individual knowledgeable and experienced in environmental protection matters.

## AMENDMENT TABLED.

On motion of Rep. Kelley, the amendment No. 2 offered by Rep. Cheatwood to the bill, S. 47, was tabled.

Yeas 47; Nays 15.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Hammett, Harper (O), Harvey, Johnson (R. G.), Letson, Manley, Minus, Moore, Owens, Parker, Patton, Payne, Pegues, Ray, Roberts, Sasser, Smith (J), Stewart,



Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—47

*Nays:*

Reps. Buskey, Crow, Gilmer, Harper (T), Holmes, Horn, Howard, Johnson (Roy), Langford, McMillan, Olive, Rains, Smith (C), Tucker and Wyatt.

—15

#### AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 3 to the bill, S. 47:

To amend on page 6 subsection (b) of Section 4 of ,starting at line 10, to read as follows:

The Director shall be appointed by and serve at the pleasure of the Environmental Management Commission. The Director shall be exempt from subject to the Merit System Act.

#### AMENDMENT TABLED

On motion of Rep. Kelley, the amendment No. 3 offered by Rep. Cheatwood to the bill, S. 47, was tabled.

Yeas 60; Nays 11.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harvey, Higginbotham, Hines, Johnson (R. G.), Laird, Letson, Manley, Minus, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Ray, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—60

*Nays:*

Reps. Buskey, Crow, Harper (T), Horn, Howard, Johnson (Roy), McMillan, Olive, Rains, Smith (C) and Tucker.

—11

#### AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 4 to the bill, S. 47;

On page 7 to amend Section 4 of S. B. 47 by deleting subsection (j) in its entirety.

#### AMENDMENT TABLED

On motion of Rep. Kelley, the amendment No. 4 offered by Rep. Cheatwood to the bill, S. 47, was tabled.

Yeas 55; Nays 12.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Grimsley, Harper (O), Higginbotham, Hines, Jackson, Johnson (R. G.), Laird, Letson, Lewis, Manley, Moore, Owens, Parker, Patton, Payne, Pegues, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

*Nays:*

Reps. Buskey, Clark (W), Crow, Gilmer, Harper (T), Howard, Johnson (Roy), McMillan, Olive, Rains, Smith (C) and Tucker.

—12

#### AMENDMENT OFFERED

Rep. Boles offered the following amendment to the bill, S. 47:

Amend Section 17 by inserting the date of June 1, 1983 between the words effective and immediately.

#### AMENDMENT TABLED

On motion of Rep. Kelley, the amendment offered by Rep. Boles to the bill, S. 47, was tabled.

Yeas 54; Nays 14.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Harper (O), Harvey, Higginbotham, Hines, Jackson, Johnson (R. G.), Letson, Lewis, Manley, Moore, Owens, Parker, Patton, Payne, Pegues, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis and Zoghby.

—54

*Nays:*

Reps. Boles, Cheatwood, Crow, Gilmer, Harper (T), Howard, Johnson (Roy), McMillan, Olive, Rains, Smith (C), Trammell, Tucker and Wyatt.

—14

And the bill, S. 47 as amended, was read a third time at length and passed.

Yeas 74; Nays 12.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates,

Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Jackson, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

*Nays:*

Reps. Boles, Buskey, Cheatwood, Gilmer, Holley, Howard, Johnson (Roy), McMillan, Nevett, Olive, Rains and Tucker.

—12

### RESOLUTIONS

The following resolution was introduced:

By Rep. Penry:

H. J. R. 388. COMMENDING MRS. ERIE H. MEYER.

WHEREAS, this body has noted the many generous and benevolent activities of Mrs. Erie H. Meyer of Gulf Shores, Alabama; and

WHEREAS, Mrs. Meyer has been a permanent resident of Gulf Shores since 1954, and during this period her philanthropic actions have enriched the lives of all the residents of Gulf Shores and Alabama; and

WHEREAS, Mrs. Meyer believes that a community can be judged by its churches, public parks and municipal buildings, and to fulfill such a belief this magnanimous lady has donated the land for the establishment of every church within the incorporated area of Gulf Shores, the land for the elementary school, the land for all municipal buildings, all public parks, the municipal golf course and the public beach; and

WHEREAS, Mrs. Meyer is a gracious, generous, loving lady and one whom all love and respect; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly acclaim and most graciously thank Mrs. Erie Meyer for her contributions to Gulf Shores and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to Mrs. Meyer so she may know of our high esteem for her actions.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 388, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Roberts, Patton and Letson:

H. R. 389. EXPRESSING APPRECIATION TO MR. ALBERT A. MARKS, JR., CHAIRMAN OF THE BOARD OF THE MISS AMERICA PAGEANT.

## MESSAGE FROM THE GOVERNOR

To the Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor returning House Bill 161 without the Governor's signature and approval and with a suggested executive amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 20th day of April, 1982.

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 161, without my signature and approval and with the following suggested executive amendment:

Beginning on the first page of the enrolled bill, with the first word of the title, delete all the language found on that page and further delete all the language found throughout the remainder of the bill, and insert in lieu thereof the following language:

"To amend Section 40-7-25.1, Code of Alabama 1975, which pertains to the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, and to describe and set out those formulas.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-7-25.1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-7-25.1. For ad valorem tax years beginning on and after October 1, 1978, with respect to taxable property defined in Section 40-8-1, as amended, as Class III property and upon request by the owner of such property as hereinafter provided, the assessor shall base his appraisal of the value of such property on its current use on October 1 in any taxable year and not on its fair and reasonable market value. Failure of an owner of Class III property to request appraisal at current use value shall mean that the property shall be valued on its fair and reasonable market value as otherwise provided in this Title until such time as the owner thereof shall request valuation on the basis of current use value. As used in this chapter, "current use value" shall be deemed to be the value of eligible taxable property based on the use being made of that property on October 1 of any taxable year; provided, that no consideration shall be taken of the prospective value such property might have if it were put to some other possible use. It is not the

intent of the Legislature to establish in this section any presumption as to the fair and reasonable market value of any property, or any minimum such value. This section shall govern only determination of the current use value of eligible property with respect to which a timely request for appraisal at current use value shall have been made.

(a) In determining the current use value, on and after October 1, 1981, of eligible taxable property the owner of which shall elect current use valuation of such property hereunder, the assessor shall presume that there is no possibility of the property being used for any other purpose, as if there were a legal prohibition against its use for any other purpose. utilize the standard value method of current use valuation outlined herein. (No new application form need be filed under Section 40-7-25.2 in order for this method to be utilized with respect to property the owner of which, prior to October 1, 1981, shall have elected to have had assessed at the ratio of its assessed value to its current use value, and which property was in fact so assessed; however, the tax assessor of the county in which the property is located may request of the owner each additional information as may be required to compute current use value hereunder.) To utilize the standard value method of current use valuation, the tax assessor shall first determine the character of the property with respect to which current use valuation is elected as row crop (meaning real property used for raising, harvesting and selling crops), pasture (which characterization shall cover all of the types of real property described in Section 40-8-1(b)(3) with the exception of real property used for raising, harvesting and selling crops and real property used for the growing and sale of timber and forest products), timber (meaning real property used for the growing and sale of timber and forest products), residential (as defined in Section 40-8-1(b)(2), or historic buildings and sites (as defined in Section 40-8-1(b)(6). With respect to Class III property consisting of parcels of five acres or less, the owners of which shall have elected current use valuation respecting those parcels, the tax assessor may require the submission of additional data as may be necessary to establish that the use being made of the parcels of property in question is row crop, pasture, timber, residential or historic building and site, as the case may be; such data may include site management plans from the Alabama Forestry Commission, photographs and surveys, or verification of use from the county farm agent or the U. S. Soil Conservation Service.

With respect to row crop, pasture and timber property, the tax assessor shall determine, in his best judgment, the productivity rating or ratings of "good", "average" and "poor" applicable to such property based on the information entered on the tax return list and from all other information known to him, or which he may procure. The tax assessor in each county shall develop annually an Agricultural Land Value Schedule which shall list the average appraised value in that county for row crop, pasture and timber property by productivity ratings of "good", "average" and "poor". The tax assessor in each county shall provide the Department of Revenue with a copy of such schedule not later than October 1 of each year.

(b) The tax assessor shall use, on and after October 1, 1981, the following formulas and methods to determine the assessed value of each type of Class III property, with respect to which a current use valuation election has been made:

(1) Row Crop, Pasture and Timber Property—The owner of row crop, pasture and timber property desiring to elect current use valuation shall submit to the assessor satisfactory evidence indicating the character and the productivity rating, as defined herein, applicable to the property in question.

Such evidence may include county-wide soil survey maps or, with respect to property located in counties for which county-wide soil survey maps are not available from the U. S. Soil Conservation Service, include a soil survey map describing the soils of the property in question prepared by the U. S. Soil Conservation Service or other governmental or private soil mapping agency and shall include such other evidence as the Department of Revenue shall prescribe. The Department of Revenue, utilizing statistics from the then next preceding federal decennial census, the Agricultural Land Value Schedules of the several counties, the Alabama Crop and Livestock Reporting Service, the Alabama Cooperative Extension Service and the Alabama Agricultural Experiment Station, shall determine annually not later than November 15 for use in assessing property for taxation as of the immediately preceding October 1, the current use standard value for row crop, pasture and timber property as follows:

- a. The population for each county shall be determined;
- b. The total number of acres of row crop, pasture and timber property, respectively, in each county shall be determined;
- c. Row Crop Property—The population for each county shall be divided by the total number of acres of row crop property in that county to produce a population to crop acreage ratio (P/CA ratio):

1. The several counties shall be ranked according to P/CA ratio (the county having the highest P/CA ratio being ranked number 1 and the county having the lowest P/CA ratio being ranked number 67) and the counties that fall within the bottom 50% (being the 50% of counties having the lowest P/CA ratios) shall be determined.

2. Utilizing the Agricultural Land Value Schedules for the bottom 50% of counties as determined under the preceding subparagraph, the Department shall add the average appraised values in all such counties for row crop property with the productivity rating of "good" and divide the sum total by the number of figures so added to produce an average appraised value per acre of row crop property with a productivity rating of "good". The Department shall repeat the foregoing procedure twice but each time substituting average appraised values for row crop property having productivity ratings of "average" and "poor" respectively, to produce average appraised values for row crop property having productivity ratings of "average" and "poor".

3. The figures so obtained shall be the current use standard values per acre of row crop property for productivity ratings "good", "average" and "poor" respectively.

- d. Pasture Property—The population for each county shall be divided by the total number of acres of pasture property in that county to produce a population to pasture acreage ratio (P/PA ratio):

1. The several counties shall be ranked according to P/PA ratio (the county having the highest P/PA ratio being ranked number 1 and the county having the lowest P/PA ratio being ranked number 67) and the counties that fall within the bottom 50% (being the 50% of counties having the lowest P/PA ratios) shall be determined.

2. Utilizing the Agricultural Land Value Schedules for the bottom 50% of counties as determined under the preceding subparagraph, the Department shall add the average appraised values in all such counties for pasture property with the productivity rating of "good" and divide the sum total

by the number of figures so added to produce an average appraised value per acre of pasture property with a productivity rating of "good". The Department shall repeat the foregoing procedure twice but each time substituting average appraised values for pasture property having productivity ratings of "average" and "poor" respectively, to produce average appraised values for timber property having productivity ratings of "average" and "poor".

3. The figures so obtained shall be the current use standard values per acre of pasture property for productivity ratings "good", "average" and "poor" respectively.

e. Timber Property—The population for each county shall be divided by the total number of acres of timber property in that county to produce a population to timber acreage ratio (P/TA ratio):

1. The several counties shall be ranked according to P/TA ratio (the county having the highest P/TA ratio being ranked number 1 and the county having the lowest P/TA ratio being ranked number 67) and the counties that fall within the bottom 50% (being the 50% of counties having the lowest P/TA ratios) shall be determined.

2. Utilizing the Agricultural Land Value Schedules for the bottom 50% of counties as determined under the preceding subparagraph, the Department shall add the average appraised values in all such counties for timber property with the productivity rating of "good" and divide the sum total by the number of figures so added to produce an average appraised value per acre of timber property with a productivity rating of "good". The Department shall repeat the foregoing procedure twice but each time substituting average appraised values for timber property having productivity ratings of "average" and "poor" respectively, to produce average appraised values for timber property having productivity ratings of "average" and "poor".

3. The figures so obtained shall be the current use standard values per acre of timber property for productivity ratings "good", "average" and "poor" respectively.

The figures obtained using this formula shall be the current use standard values per acre of property in row crop, pasture and timber use by productivity rating in the State with respect to which current use valuation is elected by the owner thereof; provided, however, that for each tax year following the first tax year for which values are computed pursuant to the standard value method provided herein, with respect to property of each productivity rating, the current use standard values per acre shall be adjusted so that such standard values shall not be less than 100% of such standard values as computed for the first tax year for which values are computed hereunder. Utilizing the Department's determination of standard values, the tax assessor shall enter the standard value or values per acre determined hereunder, multiplied by the number of acres of row crop, pasture and timber property respectively, by their productivity ratings, included in the property with respect to which a current use valuation election is in effect, on his records and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property.

(2) Residential Property and Historic Buildings and Sites. The current use standard values for individual parcels of residential property and historic buildings and sites in each county in the State shall be determined by each county tax assessor annually utilizing comparative fair and reasonable market values of comparable residential or historic building and site property located in the county, which property cannot ordinarily be used other than as

residential property or as an historic building or site, the tax assessor to presume that there is no possibility of the property being used for any other purpose than as residential property or an historic building and site, as if there were a legal prohibition against its use for any other purpose. The Department of Revenue shall promulgate appropriate regulations and orders for use by tax assessors in determining such comparable values. The tax assessor shall enter the standard values so determined on his records concerning property with respect to which a current use valuation election is in effect and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property.

(c) The current use value of the first five hundred acres of the total acres owned by any persons shall be that value which equals sixty percent (60%) of the current use standard value per acre.

(d) In determining the current use value for real property classified as agricultural or forestry property the tax assessor shall consider farm income, soil productivity or fertility, topography, susceptibility to flooding, rental value, replaceability as agricultural property for the production of food and fiber and other factors which may serve to determine value for agricultural or timber production purposes, including any such factors that the Department of Revenue shall, by regulation specify. The Department of Revenue shall, prior to May 1, 1979, prescribe all needful rules and regulations for the enforcement and implementation of this section by the department and by the several county tax assessors and all other persons listed in subdivision subsection (1) of Section 40-2-11 as being charged with any duty in the enforcement of tax laws."

Section 2. All laws and parts of laws in conflict with any of the provisions of this Act are hereby expressly repealed or modified to the extent necessary to carry out the provisions of this Act.

Section 3. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

The adoption of the above and foregoing suggested Executive Amendment will removed my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Manley, the amendment proposed by His Excellency, the Governor, to the bill, H. 161, Said Governor's amendment being set out in the above and foregoing Message from the Governor, was tabled.

Yeas 53; Nays 45.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Daniels, Dial,



Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holley, Johnson (R. G.), Kelley, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Pegues, Penry, Rains, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—53

*Nays:*

Reps. Adams (C), Albright, Amari, Barton, Bennett, Boles, Buskey, Cabaniss, Campbell, Clark (W), Coburn, Crow, Dixon, Drinkard, Escott, Ford, Goodwin, Hall, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Lewis, Nevett, Olive, Parker, Patton, Payne, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Smith (C), Stewart, Stout, Trammell, Tucker, Turnham, Waggoner and Zoghby.

—45

The question was then on the passage of the bill, H. 161, the Governor's objection to the contrary notwithstanding.

And the bill:

H. 161. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes for ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Section 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

Was again read at length and passed, the Governor's objection to the contrary notwithstanding.

Yeas 56; Nays 40.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Daniels,

Dial, Edwards, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holley, Johnson (R. G.), Kelley, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Payne, Pegues, Penry, Rains, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—56

*Nays:*

Reps. Adams (C), Albright, Amari, Barton, Bennett, Boles, Buskey, Cabaniss, Campbell, Clark (W), Crow, Dixon, Drinkard, Escott, Ford, Gafford, Hall, Harrison, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Lewis, Nevett, Olive, Parker, Patton, Ray, Reed, Riddick, Roberts, Stewart, Trammell, Tucker, Turnham, Waggoner and Zoghby.

—40

Which was a majority of the whole number elected to the House.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 688. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

Also:

H. 689. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.

Also:

H. 808. Relating to Jefferson County; providing further for an additional expense allowance of the tax assessor, payable from the general fund of the county; providing for retroactive effect and an expiration date.

Also:

H. 437. Relating to Shelby County; providing further for additional levy of court costs and the collection and distribution of such court costs, on

the service of certain court action, instituted outside the State of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Also:

H. 710. Relating to Montgomery County; to provide an additional expense allowance for the members of the Board of Education.

Also:

H. 738. Relating to Shelby County; providing for an increase in salary for the part-time bailiffs of said county.

Also:

H. 739. Relating to Shelby County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 753. To levy additional county sales and use taxes in Pickens County for public school purposes in said county; to provide for the collection, distribution, and use of such taxes; to provide for the enforcement of the Act; to provide for severability; to provide the effective date hereof and for the substitution of the taxes levied hereby; and to prescribe penalties for violation of this Act.

Also:

H. 763. Relating to Montgomery County, Alabama; providing for an expense allowance for the tax assessor and tax collector; providing for the termination of such allowance; and establishing the effective date of this Act.

Also:

H. 805. Relating to Russell County; repealing Act No. 436, H. 923, 1975 Regular Session (Acts 1975, p. 1048), which provides for the jurisdiction of the Inferior Court, the compensation of the judge and constables, and the duties of the clerk of said court.

Also:

H. 806. Relating to Russell County; repealing Act No. 502, H. 2087, 1971 Regular Session (Acts 1971, p. 1220), which is a population based bill that provides for the compensation of the judges, constables and clerks of the county.

Also:

H. 766. Relating to Marion County; to provide further for the compensation of the employees of the sheriff's office.

Also:

H. 772. To provide for the minimum compensation for all deputy sheriffs in Calhoun County, Alabama.

Also:

H. 814. To amend Act No. 79-157, S. 222, 1979 Regular Session (Acts 1979, p. 256), which act establishes a policemen's and firemen's retirement

fund for the City of Anniston, so as to empower the Board of Trustees with the authority to amend the benefit formula contained in said act; to empower the Board to employ the services of an actuary and to provide for the minimum qualifications of such actuary.

Also:

H. 601. Relating to Madison County; prescribing certain bond requirements for bondsmen and the criteria for determining such requirements.

McDOWELL LEE,  
Secretary.

#### PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Hines would have voted "Yea" on the bill, H. 161, and Rep. Seibels would have voted "Nay" on the bill, H. 161.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 597. Relating to Mobile County and specifically to the Mobile Board of School Commissioners and all full-time employees of the Board requiring use of funds from certain portions of revenue received from ad valorem taxes.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Harper (T), the House non-concurred in the Senate amendment to the bill, H. 597 and requested a Committee on Conference be appointed on the disagreement of the two Houses on the Senate amendment to the bill, H. 597, said Senate amendment being as follows:

Amend House Bill 597 as substituted in Section 3, page 1, line 27 by striking the number "32,000" and inserting in lieu thereof the number "62,000".

Further amend H. B. 597 as substituted in Section 4, page 1, line 29 by striking "1982-83" and inserting in lieu thereof the year "1983-84".

Further amend H. B. 597 as substituted in Section 4, page 1, line 31 by striking "1982-83" and inserting in lieu thereof the year "1983-84".

Further amend H. B. 597 as substituted in Section 5, page 1, line 36 by striking the words "any given" and inserting in lieu thereof the following words "the 1983-84".

Further amend H. B. 597 as substituted in Section 5, page 1, lines 37 and 38 by striking the words "for the 1982-83 budget and in budgets thereafter" and inserting a period "." after the word "Act" on line 37.

Further amend H. B. 597 as substituted in Section 6, page 2, line 5 after the word "renovation" by adding the word "operation".

Further amend H. B. 597 as substituted in Section 6, page 2, line 6 by striking the following: “, excluding administrative facilities” and inserting a period “.” after the word “Board”.

Further amend H. B. 597 as substituted in Section 7, page 2, line 8 by striking the number “5” and inserting in lieu thereof the number “15”.

Further amend H. B. 597 as substituted in Section 11, page 2, line 28 by striking the number “5” and inserting in lieu thereof the number “15”.

Further amend H. B. 597 as substituted in Section 14, page 3 by deleting lines 5 and 6 in their entirety.

Further amend H. B. 597 as substituted on page 3 line 7 after the word “Section” by deleting the number “15” and inserting in lieu thereof the number “14.”

Yeas 9; Nays 0.

*Yeas:*

Reps. Buskey, Clark (W), Harper (T), Kennedy, McMillan, Naramore, Parker, Stewart, Zoghby.

—9

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 777. To repeal Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991); and Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, P. 1630-1631) providing for minimum compensation for deputies in Mobile County.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Bedsole, the House concurred in and adopted the Senate amendment to the bill, H. 777, said Senate amendment being as follows:

#### A BILL TO BE ENTITLED AN ACT

To repeal Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991); and Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) providing for minimum compensation for Deputy Sheriffs in Mobile County; to fix such compensation at the amounts hereinafter included in this Act and to provide that subsequent salary increases for such Deputy Sheriffs be equal to any such increases given other Mobile County employees.

Be It Enacted by the Legislature:

Section 1. Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991) an Act "To provide for minimum compensation for all deputy sheriffs in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal Census in the State of Alabama" is hereby repealed.

Section 2. Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) an Act "To amend Section 1 of Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990) an Act providing for the minimum compensation of all deputy sheriffs in counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal Census in the State of Alabama" is hereby expressly repealed.

Section 3. 1. Repeal of Act 710, H. 1102, 1976 Regular Session (Acts 1976, P. 990-991) Act 80-797, S. 610, 1980 Regular Session (Acts 1980, P. 1630-1631) will not result in any financial loss for any deputy sheriff of any rank an/or grade.

2. This Act shall include actual range and step for every position.

3. Deputies will receive 50% of the state trooper pay adjustment as of 10/1/81 for each pay period retroactive to October 1, 1981, through pay period ending April 23, 1982.

4. New pay range to be effective with the pay period beginning April 24, 1982.

5. In converting from the State Trooper Pay Plan to the Mobile County Personnel Board Pay Plan, any deputy sheriff of any rank or grade whose adjusted pay falls between the steps of the Mobile County Personnel Board Pay Plan shall advance to the next highest step of that Pay Plan.

Section 4. On the effective date of this Act, the minimum compensation for all Deputy Sheriffs in Mobile County shall not be less than that of the following Mobile County Personnel Board Pay Plan:

Classification	Range	Step							
		A	B	C	D	E	F	G	
Deputy Sheriff I	28	1120	1176	1235	1297	1361	1429	1501	
Deputy Sheriff II	30	1235	1297	1361	1429	1501	1576	1655	
Sheriff's Sergeant	33	1429	1501	1576	1655	1738	1824	1916	
Sheriff's Lieutenant	35	1576	1655	1738	1824	1916	2011	2112	
Sheriff's Captain	37	1738	1824	1916	2011	2112	2218	2328	

In no case will this Act reduce the compensation for any Sheriff's Deputy I, Deputy II, Sergeant, Lieutenant, Captain, or Major. Merit increases for any grade will be approved in accordance with Mobile County Personnel Board procedure. All Deputy Sheriff I's, Deputy Sheriff II's, Sergeants, Lieutenants, Captains, Majors or any other grade which may become part of the Sheriff's Department shall be paid out of county funds. The compensation provided for above shall correspond to the Mobile County Personnel Board Pay Plan in effect as of April 24, 1982.

Section 5. In addition to the compensation referred to herein, said Deputy Sheriffs of Mobile County shall be entitled to and receive such subsistencies and allowances as those which were in effect as of October 1, 1981. Said subsistencies and allowances shall be paid out of county funds.

Section 6. From the effective date of this Act all Deputy Sheriffs of Mobile County shall receive any salary increase, cost of living adjustment, or any other increase in compensation granted to any class of county employees. Such increase in compensation for the Deputy Sheriffs shall be equal in amount and shall be paid at the same time as those granted to any class of employees of Mobile County.

Section 7. This Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Amend Substitute for House Bill 777, Page 3 be deleting Section 8 in its entirety.

Yeas 8; Nays 0.

*Yeas:*

Reps. Bedsole, Buskey, Clark (W), Harper (T), Kennedy, Nevett, Stewart and Zoghby.

—8

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 777. To repeal Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991); and Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) providing for minimum compensation for Deputy Sheriffs in Mobile County; to fix such compensation at the amounts hereinafter included in this Act and to provide that subsequent salary increases for such Deputy Sheriffs be equal to any such increases given other Mobile County employees.

As amended, was again read at length and passed.

Yeas 10; Nays 0.

*Yeas:*

Reps. Bedsole, Buskey, Clark (W), Harper (T), Kennedy, McMillan, Nevett, Penry, Stewart and Zoghby.

—10

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 598. Relating to Mobile County; providing that the board of registrars shall appoint one or more deputy registrars for each municipality to take applications for voter registration one day each week.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Stewart, the House non-concurred in the Senate amendment to the bill, H. 598, and requested a Committee on Conference be appointed on the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

Amend House Bill 598, page 3 by deleting Section 7 in its entirety and inserting in lieu thereof the following:

"Section 7 This act shall become effective January 1, 1983."

Yeas 5; Nays 0.

Yeas: Reps. Bedsole, Harper (T), Parker, Stewart and Zoghby.

—5

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Stewart, Bedsole and Clark (W).

## COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House on the bill, H. 597, Reps. Harper (T), Buskey and Zoghby.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 544. Relating to Montgomery County; providing further for the salary of the district judges, effective upon the next term of office.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Langford, the House concurred in and adopted the Senate amendment to the bill, H. 544, said Senate amendment being as follows:



A BILL  
TO BE ENTITLED  
AN ACT

Relating to Montgomery County; providing further for the salary of the district judges, effective upon the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Each district judge in Montgomery County shall be entitled to receive supplemental pay in the total sum of \$11,500 per year. Such supplemental pay shall be paid out of the county general fund in equal installments in the same manner as other supplemental salary payments are made and shall be in addition to that salary prescribed by law to be paid such district judge from the state treasury.

Section 2. The provisions of this Act shall have no force and effect and shall be null and void if the report of the Judicial Compensation Commission becomes law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 6; Nays 0.

*Yeas:* Reps. Dixon, Grouby, Holmes, Langford, McKee and Wyatt. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 544 as amended, was again read at length and passed.

Yeas 5; Nays 0.

*Yeas:* Reps. Dixon, Grouby, Holmes, Langford and Wyatt. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rep. Gafford:

H. R. 390. RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

WHEREAS, the House of Representatives enacted H. J. R. 165, by passage in the Alabama House of Representatives on the 20th legislative day, March 23, 1982, and adoption in the Alabama Senate on the 26th legislative day, April 8, 1982, and now finds it in its possession; and

WHEREAS, said H. J. R. 165 resets the election date for Act No. 81-889, S. 32 of the First Special Session 1981, and rescinds the date therefor for the proposed constitutional amendment on budgetary matters; and

WHEREAS, the said H. J. R. 165 stated in pertinent part that:

"BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him"; and

WHEREAS, any purported executive veto of any order, vote or resolution on questions of, inter alia, "the bringing on of elections by the two houses and amending this Constitution" can be only a nullity and is without the constitutional authority of the Governor; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we do, in accordance with Sections 125, 284 and 287, Constitution of Alabama 1901, return H. J. R. 165, 1982 Regular Session, to the Secretary of State and hereby direct that he assign an Act number to said H. J. R. 165, abide by the requirements prescribed therein and keep such document which relates to amending the Constitution and election date called therefor within the exclusive possession of his official capacity, so that the ballot shall be prepared and the date proclaimed as designated as H. J. R. 165, 1982 Regular Session.

BE IT FURTHER RESOLVED, That we do direct the Clerk of the House to cause delivery forthwith directly to the Secretary of State and to the President of the Senate and that no copies of this resolution shall be sent to the Governor.

#### MOTION TO SUSPEND RULES AND ADOPT

Rep. Gafford offered the motion to suspend the rules and adopt the resolution, H. R. 390.

#### DIVISION OF THE QUESTION

Rep. Venable called for the Division of the Question and the call was sustained.

#### MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Gafford to suspend the rules and the motion was lost.

Yeas 9; Nays 9.

*Yeas:*

Reps. Biddle, Blake, Gafford, Harper (O), Howard, Moore, Olive, Trammell and Whatley.

*Nays:*

Reps. Brakefield, Hammett, Johnson (Roy), Ray, Riddick, Seibels, Smith (C), Starkey and Venable.

—9

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 390, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 712. Relating to Madison County; providing expense allowances for certain officials.

Also:

H. 727. Relating to Mobile County and the members of the board of registrars; providing for the meeting dates for voter registration and voter reidentification, transportation and expense allowances for said members, and specifically repealing the following act, all relating to meeting dates and expense allowances applicable to Mobile County Board of Registrars: Act No. 614, H. 1180, 1961 Regular Session (Acts 1961, p. 730); Act No. 113, H. 126, 1964 First Special Session (Acts 1964, p. 173); Act No. 122, S. 100, 1972 Regular Session (Acts 1972, p. 4363); Act No. 885, S. 697, 1978 Regular Session (Acts 1978, p. 1313); Act No. 79-734, 1979 Regular Session (Acts 1979, p. 1305); and repealing all laws or parts of laws in conflict with the provisions of this act.

Also:

H. 749. Relating to Madison County; authorizing the sheriff to charge a fee for fingerprinting certain persons; and providing for the distribution and auditing of such fees.

Also:

H. 750. Relating to Madison County; authorizing the sheriff to operate a jail store; and providing for the distribution and auditing of moneys earned.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 665. To provide a more effective means of enforcing child support obligations by providing for withholding, under certain circumstances, of amounts from the obligee's unemployment compensation or entitlement; for the forwarding of such amounts to the child support enforcement agency; to establish the required procedures and to provide for the payment of reasonable administrative costs in connection therewith by the child support agency.

Also:

H. 663. To amend portions of the Alabama Unemployment Compensation Act contained in Sections 25-4-75 and 25-4-140, Code of Alabama 1975, as last amended, so as to comply with the mandatory provisions of Public Law 97-35, relating to unemployment compensation; the extended benefit program; to permit assignment of benefits in connection with child support obligation and to provide for the deduction of, and subsequent payment to state and local child support enforcement agencies, amounts authorized by an agreement by an obligee or upon order of a court and to correct an error incorporated in Act 81-424, Regular Session, 1981, amending Section 25-4-75.

Also:

H. 673. To amend section 25-4-16, 25-4-77, 25-4-78, 25-4-94, and 25-4-118, Code of Alabama 1975, as last amended, so as to include amounts of the employee's portion of state unemployment and federal social security contributions paid by the employer without deduction from the employee's pay as "wages"; to permit receipt of benefits while attending training approved under the provisions of the Trade Readjustment Act of 1974 or, under certain criteria, leaving a job to enter such training; to remove "seeking a pension" as a cause for disqualification and permit fifty (50) percent reduction of social security or railroad retirement pension payments prior to deduction from benefits; to authorize release of information on wages, employment, benefits and location of individuals to child support agencies and to public and law enforcement officials in the performance of their official duties and provide penalties for misuse thereof; to make other such amendments as are necessary to meet mandatory federal conformity provisions; to make minor administrative changes and to set the effective date for the provisions of this act.

Also:

H. 523. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses and other payments.

McDOWELL LEE,  
Secretary.

## RESOLUTION

The following resolution was introduced:

By Rep. Biddle:

H. J. R. 391. ACKNOWLEDGING THE GRATITUDE OF THE ALABAMA LEGISLATURE TO THE SECRETARIES ON THE HOUSE AND SENATE STAFF.

WHEREAS, we in the Legislature of Alabama are deeply aware of our indebtedness to the secretaries and clerks on the legislative staff for the tremendous responsibilities they assume on our behalf; and

WHEREAS, regrettably, we seldom take the time to adequately express to them the gratitude we feel for the many and efficient services they render for us, as a body, and individually, as well; and

WHEREAS, during National Professional Secretaries Week, it is most particularly fitting that we convey to them acknowledgment of their accomplishments and of their great service not only to us, but to the entire State of Alabama, service they continue to render even in the absence of appropriate recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATIVE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our wholehearted appreciation to the clerical staff of the House and of the Senate without whose efforts our jobs would be much more difficult and also less effective.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to all members of the House Staff and the Senate Staff that they may know of our gratitude and of the indebtedness we feel not only during National Professional Secretaries Week but at all times.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 391, was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Teague (J), Proctor and Holmes:

S. J. R. 261. HONORING MR. GEORGE G. McFADEN.

Also:

By Messrs. Bailey and Miller:

S. J. R. 262. COMMENDING PATRICIA ANN ALLIOTT UPON HER RECENT RETIREMENT AS DISTRICT DIRECTOR OF THE ALABAMA LUNG ASSOCIATION.

Also:

By Mr. Little:

S. J. R. 263. CONGRATULATING DEAN TRUMAN M. PIERCE ON HIS ACHIEVEMENTS AND CONTRIBUTIONS TO TEACHER EDUCATION.

Also:

By Mr. Keener:

S. J. R. 264. COMMENDING MR. CURTIS McMAHAN FOR HIS EFFORTS IN ORGANIZING THE HOKES BLUFF FIRE DEPARTMENT.

Also:

By Messrs. Kirkland, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White:

S. J. R. 265. COMMENDING REPRESENTATIVE BROOKS HINES OF BREWTON, ESCAMBIA COUNTY, ALABAMA.

Also:

By Messrs. Higginbotham, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White:

S. J. R. 266. COMMENDING MRS. PENNIE BUCKELEW FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Shoemaker, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 261, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 262, S. J. R. 263 and S. J. R. 264, the titles of which are set out in the above and foregoing Message from the Senate.

On motion of Rep. Warren, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 265, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 266, the title of which is set out in the above and foregoing Message from the Senate.

#### PERMISSION GRANTED

Permission was granted for the Journal to show Rep. McKee would have voted "Nay" on the bill, H. 161.

#### RESOLUTION

The following resolution was introduced:

By Rep. Hall:

H. J. R. 392. DESIGNATING THE WEEK OF JULY 11-17, 1982, AS NATIONAL COUNTRY-GOSPEL MUSIC WEEK IN ALABAMA.

WHEREAS, the National Country-Gospel Music Association was established some fifteen years ago in Nashville, Tennessee, and has since held annual meetings in the various states; and

WHEREAS, this year the association's National Convention is being held in Athens, Alabama, on the 16th and 17th of July in furtherance of the organization's cause to promote and preserve country-gospel music as an important part of our nation's heritage; and

WHEREAS, the State of Alabama is indeed privileged to have been selected as the site of the 1982 convention of the National Country-Gospel Music Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in support of the cause of the National Country-Gospel Music Association and in the tradition of the previous host states for their annual convention, we hereby name and designate the week of July 11-17, 1982, as National Country-Gospel Music Week in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Jim Holland, president of the association, in token of this designation of the Alabama Legislature.

On motion of Rep. Hall, the rules were suspended and the resolution, H. J. R. 392, was adopted.

#### SPECIAL ORDER RESUMED

And the bill:

S. 49. (With Amendment): To be known as the Law of Intestate Succession and Wills, providing the substantive law to govern intestate succession and wills, providing definitions of some terms with respect to decedents' estates, establishing certain rights to property of a decedent and amending certain sections of the Alabama Code of 1975 and repealing specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act.

Was taken up.

The questions was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend § 1-201(3) on page 4, lines 32 through 34 as follows: deleting the entire definition of "court" on page 4, lines 32 through 34 and in lieu thereof insert the following:

"Court" means the court having jurisdiction in matters relating to the affairs of decedents. This court in Alabama is known as the Probate Court."

Further amend § 1-303 on page 9, line 27 as follows:

"(c) If a the Court finds that in the interest of Justice"

Further amend § 1-310 on page 10, line 7 as follows: "or is informed, and penalties of perjury may follow"

Further amend § 2-513 on page 28, lines 10 through 27 as follows:

delete the entire section 2-513 on page 28, lines 10-27.

Further amend § 8-102(a) page 38, lines 10 by deleting the following:

"Sections 43-1-30 through 43-1-40;" and inserting in lieu thereof the following:

"Section 43-1-40;"

Further amend §8-102(b) Alabama Code Section 26-10-5 page 40 on lines 26, 28 and 32 as follows:

Insert before the word "court" on each line the word "Probate".

Further amend §8-102(b) Alabama Code Section 26-10-5 on page 42 on line 25 as follows:

"a Probate court of competent jurisdiction shall not be

Further amend page 42, line 36 by adding the following section:

"8-103. Savings Clause.

No provisions of this Act shall be construed to void, alter, or modify, when invoked the equity jurisdiction or powers of Jefferson and Mobile Counties."

And the amendment was adopted.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Higginbotham, Hines, Holmes, Johnson (R. G.), Kennedy, Laird, Langford, McMillan, Minus, Mitchell, Moore, Parker, Pegues, Penry, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

And the bill, S. 49 as amended, was read a third time at length and passed.

Yeas 82; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Higginbotham, Hines, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olives, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

*Nay:* Rep. Holley.

—1

#### UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.



And the bill:

S. 432. To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage.

As amended on the twenty-eighth legislative day and with pending substitute was taken up.

The question was then on the adoption of the substitute No. 1 offered by Rep. Laird on the twenty-eighth legislative day.

#### SUBSTITUTE TABLED

On motion of Rep. Kelley, the substitute No. 1 offered by Rep. Laird, was tabled.

Yeas 56; Nays 14.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Biddle, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cosby, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Mitchell, Moore, Owens, Parker, Patton, Penry, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren and Williams.

—56

*Nays:*

Reps. Adams (C), Cheatwood, Coburn, Crow, Goodwin, Higginbotham, Laird, Nevett, Olive, Payne, Rains, Reed, Whatley and Wyatt.

—14

#### SUBSTITUTE OFFERED

Rep. Laird offered the following substitute No. 2 to the bill, S. 432 as amended:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage, and to provide for a 2% discount from the state sales and use taxes for losses of inventory for wholesalers, distributors and retailers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-17-38 of the Code of Alabama 1975 is hereby amended to read as follows:

"§40-17-38.

"The commissioner of the department of revenue is hereby authorized and directed to allow refiners, storers, distributors or wholesalers, as defined

by section 40-17-30, who have been licensed by the department of revenue under the provisions of section 40-12-191, and who have made bond, as is required under section 40-12-194, a discount in an amount equal to two percent of the first \$5,000.00 of tax paid and one percent of all amounts of tax paid in excess of \$5,000.00 under the provisions of section 40-17-31, as amended, not to exceed in any case \$200.00 on taxes paid in any one month, the amount of said discount being for the purpose of partially defraying the costs to such licensed and bonded refiners, storers, distributors or wholesalers of making reports to the department of revenue and of maintaining complete and accurate records to the reporting and paying of this tax. Whoever defaults in reporting and paying such taxes when the same become due and payable to the state shall not be allowed a discount under this section.

"The commissioner of the department of revenue shall allow distributors or wholesalers, as defined in Section 40-17-30, who have been licensed by the department of revenue under the provisions of Section 40-12-191, and who have made bond, as required in Section 40-12-194, a discount in an amount equal to two percent (2%) of all amounts of gasoline taxes paid under the provisions of Section 40-17-31, as amended, and Section 40-17-220, as amended, the amount of said discount being for the purpose of partially defraying the cost of losses in volume due to the evaporation shrinkage incurred in the handling of gasoline by such licensed and bonded distributors or wholesalers as defined in this article. The commissioner of revenue is authorized and directed to promulgate reasonable rules and regulations to effectuate the purposes of this section."

Section 2. The commissioner shall also allow distributors and wholesalers and retailers a 2% discount on all sales and use taxes to defray costs of inventory loss.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 68; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harvey, Higginbotham, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—68

*Nay:* Rep. Cheatwood.

—1

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Holley offered the motion to reconsider the vote by which the substitute No. 2 offered by Rep. Laird to the bill, S. 432 as amended, was adopted.

MOTION TO TABLE LOST

The motion offered by Rep. Laird to table the motion to reconsider offered by Rep. Holley, was lost.

Yeas 20; Nays 67.

*Yeas:*

Reps. Adams (C), Cates, Coburn, Crow, Daniels, Goodwin, Hall, Harrison, Holmes, Laird, Langford, McKee, Naramore, Rains, Reed, Turner, Venable, Whatley, Willis and Wyatt.

—20

*Nays:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cobb, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Lewis, McMillan, Minus, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Waggoner, Ward, Warren, Williams and Zoghby.

—67

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 315. To create the Office of Air Transportation (hereinafter referred to as the Office); to centralize the maintenance, management, storage, usage, fueling, and operations of state owned aircraft; to designate the Act as the "Office of Air Transportation Act of 1982"; to provide a statement of legislative intent; to provide definitions; to provide for a director of the Office; to provide for other personnel for the Office; to provide for the transfer of property and funds from various state agencies which presently maintain and operate state aircraft and to provide for certain exceptions from the provisions of this Act; to authorize the Office to establish a state program of state aircraft operations and to set reasonable charges for the use and maintenance of state aircraft by other state agencies and departments; to provide for duties, powers and functions of the Office; to legislate appropriate funds; to create a revolving fund in the state treasury for the operations of the Office and to authorize the director to make deposits and expenditures from time to time as are necessary for the Office's operations; and to require annual reporting by the director of the Office's operations to the Governor and to the Legislature.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 383. NAMING OF A NEW BOAT RAMP IN MT. VERNON, ALABAMA AFTER REPRESENTATIVE J. E. TURNER.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 769. Relating to Mobile County and the members of the board of registrars; providing for the meeting locations for voter registration and voter reidentification; and repealing the following acts relating to the Mobile County Board of Registrars; Act No. 614, H. 1180, 1961 Regular Session (Acts 1961, p. 730); Act No. 113, H. 126, 1964 First Special Session (Acts 1964, p. 173); Act No. 122, S. 100, 1972 Regular Session (Acts 1972, p. 4363); Act No. 885, S. 697, 1978 Regular Session (Acts 1978, p. 1313); Act No. 79-734, 1979 Regular Session (Acts 1979, p. 1305); and repealing all laws or parts of laws in conflict with the provisions of this act.

Also:

H. 773. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Loxley in Baldwin County.

McDOWELL LEE,  
Secretary.

## S. 432 RESUMED

The question was then on the motion offered by Rep. Holley to reconsider the vote by which the substitute No. 2 to the bill, S. 432 as amended, was adopted, and the motion to reconsider was adopted.

Yeas 68; Nays 15.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Cabaniss, Campbell, Carothers, Carter, Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Letson, Lewis, McMillan, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—68

Nays:

Reps. Adams (C) Cheatwood, Coburn, Crow, Daniels, Dixon, Goodwin, Hall, Harrison, Howard, Laird, Rains, Reed, Turner and Whatley.

—15

SUBSTITUTE TABLED

The question was again on the substitute No. 2 offered by Rep. Laird to the bill, S. 432 as amended, and on motion of Rep. Kelley, the substitute was tabled.

Yeas 65; Nays 15.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Letson, Lewis, McMillan, Minus, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—65

*Nays:*

Reps. Adams (C), Bennett, Cates, Cheatwood, Crow, Daniels, Dixon, Holmes, Laird, Langford, McKee, Rains, Reed, Whatley and Wyatt.

—15

AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment to the bill, S. 432 as amended:

Amend Senate Bill 432 on page 2, Section 1 by deleting lines 14 through 30 and inserting in lieu thereof the following:

"The commissioner of the department of revenue shall allow distributors or wholesalers, as defined in Section 40-17-30, who have been licensed by the department of revenue under the provisions of Section 40-12-191, and who have made bond, as required in Section 40-12-194, and who remit their state gasoline taxes based on receipts, a discount in an amount equal to two percent (2%) of all amounts of gasoline taxes paid under the provisions of Section 40-17-31, as amended, and Section 40-17-220, as amended, the amount of said discount, which shall not exceed \$500.00 per month, being for the purpose of partially defraying the cost of losses in volume due to the evaporation shrinkage incurred in the handling of gasoline by such licensed and bonded distributors or wholesalers as defined in this article. The commissioner of revenue is authorized and directed to promulgate reasonable rules and regulations to effectuate the purposes of this section."

AMENDMENT TABLED

On motion of Rep. Kelley, the amendment offered by Rep. Smith (M) to the bill, S. 432 as amended, was tabled.

Yeas 75; Nays 4.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn,

Cooley, Cosby, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—75

*Nays:* Reps. Crow, Howard, Johnson (Roy) and Whatley.

—4

#### S. 432 TEMPORARILY POSTPONED

On motion of Rep. Cates, the bill, S. 432 as amended, was temporarily postponed.

#### MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Whatley to indefinitely postpone the bill, S. 358, was lost.

Yeas 6; Nays 53.

*Yeas:*

Reps. Cheatwood, Gilmer, Hammett, Laird, Ray and Whatley.

—6

*Nays:*

Mr. Speaker, Albright, Amari, Barton, Bennett, Biddle, Boles, Bowling, Brakefield, Carter, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Hall, Harrison, Higginbotham, Hines, Horn, Johnson (R. G.), Johnson (Roy), Letson, McMillan, Minus, Mitchell, Moore, Owens, Patton, Penry, Rains, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Waggoner, Willis, Wyatt and Zoghby.

—53

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 306. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto in Mobile County, Alabama.

Also:

H. 373. To amend section 41-16-27, Code of Alabama 1975, so as to add factors to be considered in the letting of certain contracts.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 437. Relating to Shelby County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court action, instituted outside the State of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Also:

H. 601. Relating to Madison County; prescribing certain bond requirements for bondsmen and the criteria for determining such requirements.

Also:

H. 688. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

Also:

H. 710. Relating to Montgomery County; to provide an additional expense allowance for the members of the Board of Education.

Also:

H. 738. Relating to Shelby County; providing for an increase in salary for the part-time bailiffs of said county.

Also:

H. 739. Relating to Shelby County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 753. To levy additional county sales and use taxes in Pickens County for public school purposes in said county; to provide for the collection, distribution, and use of such taxes; to provide for the enforcement of the Act; to provide for severability; to provide the effective date hereof and for the substitution of the taxes levied hereby; and to prescribe penalties for violation of this Act.

Also:

H. 763. Relating to Montgomery County, Alabama; providing for an expense allowance for the tax assessor and tax collector; providing for the termination of such allowance; and establishing the effective date of this Act.

Also:

H. 766. Relating to Marion County; to provide further for the compensation of the employees of the sheriff's office.

Also:

H. 772. To provide for the minimum compensation for all deputy sheriffs in Calhoun County, Alabama.

Also:

H. 805. Relating to Russell County; repealing Act No. 436, H. 923, 1975 Regular Session (Acts 1975, p. 1048), which provides for the jurisdiction of the Inferior Court, the compensation of the judge and constables, and the duties of the clerk of said court.

Also:

H. 806. Relating to Russell County; repealing Act No. 502, H. 2087, 1971 Regular Session (Acts 1971, p. 1220), which is a population based bill that provides for the compensation of the judges, constables and clerks of the county.

Also:

H. 808. Relating to Jefferson County; providing further for an additional expense allowance of the tax assessor, payable from the general fund of the county; providing for retroactive effect and an expiration date.

Also:

H. 814. To amend Act No. 79-157, S. 222, 1979 Regular Session (Acts 1979, p. 256), which act establishes a policemen's and firemen's retirement fund for the City of Anniston, so as to empower the Board of Trustees with the authority to amend the benefit formula contained in said act; to empower the Board to employ the services of an actuary and to provide for the minimum qualifications of such actuary.

Also:

H. 689. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.



And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### SPECIAL ORDER RESUMED

And the Bill:

S. 358. To amend Section 41-9-680, Code of Alabama 1975, relating to the Music Hall of Fame Board, so as to alter the board's composition.

Was read a third time at length and passed.

Yeas 67; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Horn, Johnson (Roy), Kelley, Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Owens, Patton, Pegues, Penry, Rains, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Waggoner, Warren, Willis and Zoghby.

—67

*Nay:* Rep. Whatley.

—1

### RESOLUTIONS

The following resolution was introduced:

By Rep. Reed:

H. J. R. 393. ACKNOWLEDGING THE GRATITUDE OF THE ALABAMA LEGISLATURE TO THE PORTERS ON THE HOUSE AND SENATE STAFF.

WHEREAS, we in the Legislature of Alabama are deeply aware of our indebtedness to the porters on the legislative staff for the tremendous service they assume on our behalf; and

WHEREAS, regrettably, we seldom take the time to adequately express to them the gratitude we feel for the many services they render for us, as a body, and individually, as well; and

WHEREAS, they work long hours taking pride in getting everything clean and in order; and

WHEREAS, they are always willing to do what is asked of them, and do it well; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our wholehearted appreciation to the porters of the House and of the Senate.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to all porters of the House Staff and the Senate Staff that they may know of our gratitude at all times.

On motion of Rep. Reed, the rules were suspended and the resolution, H. J. R. 393, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Reed:

H. R. 394. HONORING MARK GILMORE, JR.

#### SPECIAL ORDER RESUMED

And the bill:

S. 189. Relating to the rules of the road, prescribing a certain fine for certain speeding violations on interstate highways and prohibiting such violations from being recorded on driving records.

Which was temporarily postponed on the twenty-eighth legislative day, with pending substitute offered by Rep. Biddle, was taken up.

#### SUBSTITUTE ADOPTED

The question was then on the substitute offered by Rep. Biddle to the bill, S. 189, on the twenty-eighth legislative day, said substitute being as follows:

#### A BILL TO BE ENTITLED AN ACT

Relating to the rules of the road; prescribing a limitation on the fine for certain speeding violations on interstate highways; and exempting such offenses from any docket or court costs which might otherwise be prescribed; and prohibiting such violations from being recorded on driving records.

Be It Enacted by the Legislature of Alabama:

Section 1. All laws to the contrary notwithstanding, whenever a motorist is charged and convicted for operating an automobile or any passenger vehicle of 12,000 pounds and under, including pick-up trucks, in excess of the speed limit on an interstate highway within this state, and such violation occurs at a speed which is not in excess of seventy (70) miles per hour, he shall not be fined more than Five Dollars (\$5.00). Neither the docket fee prescribed in Section 12-19-171, or any other cost or charge of court, whether presently in effect or hereafter enacted, shall apply to any conviction for which the limitations herein prescribed shall apply, unless such law specifically provides otherwise; and such convictions shall not become part of the motorist's driving record.

REGULAR SESSION  
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1805

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 56; Nays 4.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Hammett, Harrison, Higginbotham, Hines, Holmes, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Trammell, Waggoner, Warren, Whatley, Wyatt and Zoghby.

—56

*Nays:* Reps. Barton, Holley, Letson and Patton.

—4

And the bill, S. 189 as amended, was read a third time at length and passed.

Yeas 36; Nays 34.

*Yeas:*

Reps. Barton, Biddle, Blake, Bowling, Brakefield, Carothers, Cobb, Coburn, Crow, Daniels, Drinkard, Escott, Ford, Gafford, Goodwin, Harrison, Higginbotham, Hines, Holmes, Horn, Kelley, Laird, Langford, Minus, Moore, Naramore, Nevett, Owens, Parker, Rains, Reed, Smith (J), Trammell, Turner, Williams and Zoghby.

—36

*Nays:*

Mr. Speaker, Amari, Bedsole, Bennett, Cabaniss, Carter, Cheatwood, Clark (G), Cooley, Dial, Dixon, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Johnson (Roy), Letson, McMillan, Manley, Patton, Payne, Penry, Ray, Riddick, Roberts, Seibels, Smith (C), Stewart, Tucker, Turnham, Ward, Warren and Wyatt.

—34

MOTION TO ADJOURN LOST

The motion offered by Rep. Goodwin that the House adjourn until 10:00 o'clock a.m., Monday, April 26, 1982, was lost.

Yeas 20; Nays 55.

*Yeas:*

Reps. Brakefield, Cheatwood, Clark (G), Cobb, Cooley, Escott, Goodwin, Harper (T), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Manley, Minus, Nevett, Olive, Rains, Shavers, Stout and Turnham.

—20

*Nays:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Buskey, Cabaniss, Campbell, Carter, Cates, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gafford, Grouby, Hammett, Hines, Holley, Holmes, Kelley, Langford, Letson, Lewis, McKee, McMillan, Mitchell, Moore, Naramore, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Venable, Waggoner, Warren, Whatley, Wyatt and Zoghby.

—55

### RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 395. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That if the House has not adjourned on Tuesday, April 20, 1982, when the hour of 6:00 o'clock P.M. arrives, the House will stand in recess from 6:00 P.M. to 8:00 P.M.

On motion of Rep. Biddle, the resolution, H. R. 395, was adopted.

Yeas 61; Nays 11.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Biddle, Bowling, Carothers, Carter, Clark (G), Clark (W), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (Roy), Kelley, Kennedy, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Turner, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—61

*Nays:*

Reps. Brakefield, Campbell, Cobb, Cooley, Crow, Johnson (R. G.), Parker, Riddick, Smith (C), Whatley and Wyatt.

—11

### SPECIAL ORDER RESUMED

And the bill:

S. 302. To propose a constitutional amendment amending subsection 6.09(d) of Article VI, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 328, relating to judicial compensation so as to provide that the recommendations of the judicial compensation commission shall become law upon confirmation by a joint resolution.

Was read a third time at length and passed.

Yeas 91; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell,

Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—91

*Nay:* Rep. Howard.

—1

And the bill:

S. 423. To amend Section 12-17-30 of the Code of Alabama 1975 relating to salaries and local salary supplement, so as to prescribe a maximum for local supplements; and to provide exceptions thereto.

Was read a third time at length and passed.

Yeas 52; Nays 25.

*Yeas:*

Reps. Adams (C), Adams (H), Albright, Barton, Bedsole, Bowling, Cabaniss, Carothers, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Horn, Johnson (Roy), McKee, McMillan, Manley, Minus, Mitchell, Nevett, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Sasser, Shavers, Smith (C), Smith (J), Smith (M), Stewart, Stout, Tucker, Warren, Williams, Willis and Zoghby.

—52

*Nays:*

Reps. Amari, Bennett, Brakefield, Clark (W), Daniels, Dial, Gafford, Hall, Hines, Holley, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Moore, Naramore, Payne, Pegues, Roberts, Seibels, Turner, Ward, Whatley and Wyatt.

—25

And the bill:

S. 52. (With Amendment): To create the Alabama board of optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend S. B. 52 on page 2, Section 2, line 12 by inserting after the word "appropriated" the word "conditionally."

And the amendment was adopted.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Hines, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

And the bill, S. 52 as amended, was read a third time at length and passed.

Yeas 75; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Tucker, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—75

*Nay:* Rep. Harvey.

—1

#### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor returning House Bill 678 without the Governor's signature and approval, and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 20th Day of April, 1982.

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 678, without my signature and approval, and with the following suggested Executive Amendment:

On page 1 of the enrolled bill, on the first line, delete the number "458" and insert in lieu thereof the number "548".

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Roberts, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 678, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Edwards, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, Johnson (R. G.), Laird, Langford, McKee, McMillan, Naramore, Nevett, Owens, Patton, Pegues, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Ward, Whatley, Williams, Willis and Wyatt.

—52

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 678. To amend Section 2 of Act No. 458, S. 616 of the 1978 Regular Session of the Legislature relating to the compensation of the judge of probate of Morgan County, Alabama, so as to provide further for such compensation.

As amended, by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W),

Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, Johnson (R. G.), Laird, Langford, Letson, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Ward, Whatley, Williams and Willis.

—63

## RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Escott:

H. R. 396. COMMENDING THE REVEREND GEORGE COOK, JR., OF BIRMINGHAM, ALABAMA.

## SPECIAL ORDER RESUMED

And the bill:

S. 365. To authorize the Alabama State Docks Department to provide a retirement plan for various employees of the Alabama State Docks Department including but not limited to those employees employed by the Department pursuant to Section 36-29-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b) (9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and for the spouses and dependent children of such officers and employees, and to pay the premiums and costs of such life and health insurance from the revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans, to provide an effective date for this Act and repeal all laws in conflict therewith.

Was taken up.

## AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, S. 365:

Amend Senate Bill 365 in the Synopsis on page 1 on line 10 after the word "plans", by inserting the following:

"provides that the benefit package provided said employees shall not exceed that provided to state docks employees under ILA contract."

Further amend Senate Bill 365 on page 1, line 10 after the word "plans," by inserting the following:

"provides that the benefit package provided said employees shall not exceed that provided to state docks employees under ILA contract."



Further amend Senate Bill 365 in Section 1(b), on page 3, line 11 after the word "administration." by inserting the following:

"Provided, however, that such retirement plans and benefits shall not exceed the retirement plan and benefits provided to state docks employees under ILA contract."

Further amend Senate Bill 365 in Section 2(b) on page 5, line 10 after the word "Department." by adding the following:

"Provided, however, that the benefits provided for by this section shall not exceed those benefits provided to state docks employees under ILA contract."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Johnson (R. G.), Kennedy, Letson, McKee, McMillan, Manley, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams and Willis.

—66

S. 365 TEMPORARILY POSTPONED

On motion of Rep. Manley, the bill, S. 365 as amended, was temporarily postponed.

And the bill:

S. 288. To amend Section 27-7-11, Code of Alabama 1975, which provides for the contents and conducting of licensing examinations for property, casualty and surety insurance representatives, so as to provide further for said examinations and to provide for an effective date.

Was read a third time at length and passed.

Yeas 66; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Escott, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, McKee, McMillan, Mitchell, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—66

Nay: Rep. Minus.

—1

And the bill:

S. 517. (With Amendment): RELATING TO SCHOOL DISTRICT ONE, MADISON COUNTY; Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in School District One, Madison County, in order to raise funds for the operation of the public schools in School District One, Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and prescribing the purposes for which such proceeds may be used.

Was taken up.

#### SUBSTITUTE OFFERED

Rep. Hall offered the following substitute to the bill, S. 517 with pending amendment reported by the Standing Committee on Local Legislation No. 4, said substitute being as follows:

#### A BILL TO BE ENTITLED AN ACT

Relating to School District One, Madison County; authorizing the county governing body of Madison County to levy, assess and collect a one percent sales and use tax in school District One, Madison County, in order to raise funds for the operation of the public schools in School District One, Madison County; providing certain limitations on the levying of the tax; providing for the enforcement and collection of the tax and distribution thereof; prescribing the purposes for which such proceeds may be used; providing for a referendum on said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to provide funds for the operation of the public schools in School District One, Madison County, the governing body of Madison County is hereby authorized by ordinance to levy and provide for the collection of a one percent sales and use tax in School District One, Madison County, which shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in School District One, Madison County. The governing body of Madison County shall submit the question of levying any such tax to a vote of qualified electors of School District One, Madison County and shall also provide for holding and canvassing the returns of the election and for giving notice thereof. The cost of the referendum shall be paid by the county board of education. All the proceeds from any tax levied pursuant to this Act, less the cost of collection thereof, shall be used exclusively for public school purposes in School District One, Madison County. Said sales or use tax shall parallel, except for the rate of tax, the provisions imposed by the State of Alabama under Title 40, Chapter 23, Code of Alabama, 1975, and additions and amendments thereto, and said sales and use tax so levied shall not amount to more than one-half (½) of the State levy provided for therein.

Section 2. The collection, enforcement, administration and disposition of funds collected and the charge for collecting same shall be in accordance with the provisions of Sections 40-12-5 through 40-12-7, Code of Alabama 1975, and any additions and amendment thereto.

Section 3. The proceeds of the taxes imposed by this Act, when collected, shall be paid by the governing body of Madison County, Alabama, to the custodian of the county school funds of School District One, Madison County.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 10; Nays 0.

*Yeas:*

Reps. Albright, Carter, Hall, Parker, Riddick, Smith (J), Smith (M), Stewart, Stout and Trammell.

—10

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment to the bill, S. 517 as amended:

Delete Section 6, page 2, lines 33 through 35 and substitute therefor the following Section 6:

Section 6. The tax herein authorized and the provisions of this act shall become effective and operable only if approved by a majority of the voters of Madison County residing in school district one and voting thereon in only one election held for such purpose. If a majority of the aforementioned electors vote no, said tax and the provisions of this act shall have no legal force or effect and shall not subsequently be voted on by the Madison County voters.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 5; Nays 0.

*Yeas:* Reps. Albright, Hall, Riddick, Smith (J) and Smith (M).

—5

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 517 as amended, was read a third time at length and passed.

Yeas 7; Nays 1.

*Yeas:*

Reps. Albright, Cheatwood, Hall, Riddick, Smith (J), Smith (M) and Stout.

—7

*Nay:* Rep. Seibels.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO ADJOURN LOST

The motion offered by Rep. Manley that the House adjourn until 11:00 o'clock a.m., Monday, April 26, 1982, was lost.

Yeas 16; Nays 59.

*Yeas:*

Reps. Adams (C), Bowling, Brakefield, Cooley, Goodwin, Harper (O), Harvey, Kelley, Olive, Parker, Rains, Shavers, Stout, Tucker, Ward and Whatley.

—16

*Nays:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Escott, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (T), Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Langford, Letson, McMillan, Mitchell, Moore, Naramore, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Warren, Williams, Willis, Wyatt and Zoghby.

—59

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 769. Relating to Mobile County and the members of the board of registrars; providing for the meeting locations for voter registration and voter reidentification; and repealing the following acts relating to the Mobile County Board of Registrars: Act No. 614, H. 1180, 1961 Regular Session (Acts 1961, p. 730); Act No. 113, H. 126, 1964 First Special Session (Acts 1964, p. 173); Act No. 122, S. 110, 1972 Regular Session (Acts 1972, p. 4363); Act No. 885, S. 697, 1978 Regular Session (Acts 1978, p. 1313); Act No.

79-734, 1979 Regular Session (Acts 1979, p. 1305); and repealing all laws or parts of laws in conflict with the provisions of this act.

Also:

H. 773. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Loxley in Baldwin County.

Also:

H. J. R. 383. NAMING OF A NEW BOAT RAMP IN MT. VERNON, ALABAMA AFTER REPRESENTATIVE J. E. TURNER.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 523. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses and other payments.

Also:

H. 544. Relating to Montgomery County; providing further for the salary of the district judges, effective upon the next term of office.

Also:

H. 663. To amend portions of the Alabama Unemployment Compensation Act contained in Sections 25-4-75 and 25-4-140, Code of Alabama 1975, as last amended, so as to comply with the mandatory provisions of Public Law 97-35, relating to unemployment compensation; the extended benefit program; to permit assignment of benefits in connection with child support obligation and to provide for the deduction of, and subsequent payment to state and local child support enforcement agencies, amounts authorized by an agreement by an obligee or upon order of a court and to correct an error incorporated in Act 81-424, Regular Session, 1981, amending Section 25-4-75.

Also:

H. 673. To amend section 25-4-16, 35-4-77, 25-4-78, 25-4-94, and 25-4-118, Code of Alabama 1975, as last amended, so as to include amounts of the

employee's portion of state unemployment and federal social security contributions paid by the employer without deduction from the employee's pay as "wages"; to permit receipt of benefits while attending training approved under the provisions of the Trade Readjustment Act of 1974 or, under certain criteria, leaving a job to enter such training; to remove "seeking a pension" as a cause for disqualification and permit fifty (50) percent reduction of social security or railroad retirement pension payments prior to deduction from benefits; to authorize release of information on wages, employment, benefits and location of individuals to child support agencies and to public and law enforcement officials in the performance of their official duties and provide penalties for misuse thereof; to make other such amendments as are necessary to meet mandatory federal conformity provisions; to make minor administrative changes and to set the effective date for the provisions of this act.

Also:

H. 665. To provide a more effective means of enforcing child support obligations by providing for withholding, under certain circumstances, of amounts from the obligee's unemployment compensation or entitlement; for the forwarding of such amounts to the child support enforcement agency; to establish the required procedures and to provide for the payment of reasonable administrative costs in connection therewith by the child support agency.

Also:

H. 712. Relating to Madison County; providing expense allowances for certain county officials.

Also:

H. 727. Relating to Mobile County and the members of the board of registrars; providing for the meeting dates for voter registration and voter reidentification, transportation and expense allowances for said members, and specifically repealing the following acts, all relating to meeting dates and expense allowances applicable to Mobile County Board of Registrar: Act No. 614, H. 1180, 1961 Regular Session (Acts 1961, p. 730); Act No. 113, H. 126, 1964 First Special Session (Acts 1964, p. 173); Act No. 122, S. 100, 1972 Regular Session (Acts 1972, p. 4363); Act No. 885, S. 697, 1978 Regular Session (Acts 1978, p. 1313); Act No. 79-734, 1979 Regular Session (Acts 1979, p. 1305); and repealing all laws or parts of laws in conflict with the provisions of this act.

Also:

H. 749. Relating to Madison County; authorizing the sheriff to charge a fee for fingerprinting certain persons; and providing for the distribution and auditing of such fees.

Also:

H. 750. Relating to Madison County; authorizing the sheriff to operate a jail store; and providing for the distribution and auditing of moneys earned.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has reconsidered the Bill:

H. 161. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible tax property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

And said Bill, H. B. 161, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 19, Nays 13.

And said Bill, H. B. 161, together with the Governor's Message containing his objections, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 501. To amend Sections 26-2-1 and 26-2-45, Code of Alabama 1975, to provide that the courts may, in the exercise of their judicial discretion, appoint a "limited guardian" for a partially disabled person.

Also:

H. 542. To provide that the State Personnel Board, with the approval of the Governor, may provide that the State shall pick-up member contributions to the Employee's Retirement System of Alabama and that such contributions shall be treated as employer contributions for federal income tax purposes but shall continue to be treated as before for all other state law purposes and to further provide that the Supreme Court of Alabama may provide that the State and counties shall pick-up member contributions to the Judicial Retirement Fund and that such contributions shall be treated as employer contributions for federal tax purposes but shall continue to be treated as before for all other state law purposes.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 49. To be known as the Law of Intestate Succession and Wills, providing the substantive law to govern intestate succession and wills, providing definitions of some terms with respect to decedents' estates, establishing certain rights to property of a decedent and amending certain sections of the Alabama Code of 1975 and repealing specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 214. COMMENDING DENNIS GARRETT, WINTERBORO HIGH SCHOOL, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 218. EXTENDING BEST WISHES TO MR. AND MRS. OTIS KENT ON THE OCCASION OF THEIR 62ND WEDDING ANNIVERSARY.

Also:

H. J. R. 255. DESIGNATING MAY 1, 1982, AS CONSTITUTION HALL PARK DAY.

Also:

H. J. R. 263. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL WRESTLING TEAM FOR THEIR RECENT WINNING SEASON.

Also:

H. J. R. 264. COMMENDING THE PINSON VALLEY HIGH SCHOOL WRESTLING TEAM FOR WINNING ITS THIRD STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.



Also:

H. J. R. 272. COMMENDING DR. LEON DAVIS, OF MONTEVALLO, ALABAMA, ON BECOMING PRESIDENT OF THE NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS.

Also:

H. J. R. 273. COMMENDING THE LIVINGSTON UNIVERSITY LADY TIGERS BASKETBALL TEAM FOR WINNING THEIR SECOND CONSECUTIVE AIAAW SOUTHERN DIVISION CHAMPIONSHIP.

Also:

H. J. R. 313. RECOGNIZING COACH LUTHER McKENDREE YOUNG FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

H. J. R. 327. MOURNING THE DEATH OF MR. ROBERT BRYANT STRONG OF AUBURN, ALABAMA.

Also:

H. J. R. 337. INCREASING THE NUMBER OF BOARD MEMBERS OF THE ALABAMA SCHOOL OF FINE ARTS FROM ELEVEN TO FIFTEEN.

Also:

H. J. R. 365. MOURNING THE DEATH OF MRS. MARIE REYNOLDS LEWIS OF BESSEMER, ALABAMA.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 143. CREATING THE LEGISLATIVE JOINT INTERIM STUDY COMMITTEE ON PRISON WORK-RELEASE PROGRAMS.

Also:

H. J. R. 157. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

Also:

H. J. R. 224. NAMING THE NEW BRIDGE WHICH CONNECTS COLBERT AND LAWRENCE COUNTIES, THE "JOE PATTERSON BRIDGE."

Also:

H. J. R. 261. CONGRATULATING MRS. ESTELLE SCROGGIN SMITH OF CHEROKEE COUNTY, ALABAMA, ON HER 90TH BIRTHDAY.

Also:

H. J. R. 262. NAMING THE BRIDGE ON HIGHWAY 68 IN CEDAR BLUFF, ALABAMA, "COBIA'S BRIDGE."

Also:

H. J. R. 277. COMMENDING THE JACKSONVILLE STATE UNIVERSITY MARCHING BAND.

Also:

H. J. R. 278. URGING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION TO REVIEW AND RESTRUCTURE ITS RULES AND REGULATIONS GOVERNING STUDENT ATHLETES WITHIN THE ASSOCIATION'S PURVIEW.

Also:

H. J. R. 280. MOURNING THE DEATH OF MR. L. C. KIRK PAYNE, FORMER MAYOR OF ALABASTER, ALABAMA.

Also:

H. J. R. 282. URGING THE HONORABLE FOB JAMES AND COMMISSIONER JOHN McMILLAN TO CANCEL IMPLEMENTATION OF CERTAIN OPPRESSIVE RULES AND REGULATIONS RELATING TO FINFISH FISHING AND TO ALLOW INPUT BY CITIZENS AFFECTED.

Also:

H. J. R. 285. COMMENDING THE ESTABLISHMENT OF THE "NATIONAL BAND ASSOCIATION HALL OF FAME OF DISTINGUISHED PERSONS" AT TROY STATE UNIVERSITY.

Also:

H. J. R. 287. EXPRESSING APPRECIATION OF THE LEGISLATURE TO MR. CARL ELLIOTT, A DISTINGUISHED ALABAMIAN.

Also:

H. J. R. 292. NAMING THE COOSA RIVER BRIDGE IN POLLARD'S BEND, CHEROKEE AND ETOWAH COUNTIES, ALABAMA, "THE GUY HIGGINS-MORRIS L. NELSON BRIDGE."

Also:

H. J. R. 298. COMMENDING DOCTOR DONALD E. DAVIS FOR HIS SERVICES TO AUBURN UNIVERSITY.

Also:

H. J. R. 307. COMMENDING MR. B. B. WILLIAMSON OF LIVINGSTON, ALABAMA, ON HIS MANY YEARS OF SERVICE TO THE COMMUNITY AND THE STATE.

Also:

H. J. R. 309. CONGRATULATING MRS. MARY ELEANOR (NELL) COE OF JACKSON COUNTY, ALABAMA, ON HER UPCOMING 93RD BIRTHDAY.

Also:

H. J. R. 311. COMMENDING MISS CANDICE HEMPHILL, GOVERNOR OF THE 1982 ALABAMA Y.M.C.A. YOUTH LEGISLATURE.

Also:

H. J. R. 335. CONTINUING THE INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

Also:

H. J. R. 317. COMMENDING THE JOHN T. MORGAN ACADEMY DEBATE TEAM, 1982 STATE NOVICE CHAMPIONS.

Also:

H. J. R. 319. COMMENDING MISS EVELYN CHRISTINE STRUCK OF HUNTSVILLE ON CONTINUING OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 320. COMMENDING DR. MARIE L. O'KOREN, DEAN AND PROFESSOR, SCHOOL OF NURSING, UNIVERSITY OF ALABAMA IN BIRMINGHAM, ON HER TENTH ANNIVERSARY OF DISTINGUISHED SERVICE.

Also:

H. J. R. 330. EXPRESSING APPRECIATION TO THE ALABAMA SYMPHONY ORCHESTRA FOR COURTESIES EXTENDED TO THE LEGISLATURE.

Also:

H. J. R. 312. COMMENDING SELMA HIGH SCHOOL'S DEBATE TEAM, 1982 STATE CHAMPIONS.

Also:

H. J. R. 314. COMMENDING MR. WILLIS CARL MATHEWS UPON HIS RETIREMENT FROM THE DOBBS MANUFACTURING COMPANY OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 315. COMMENDING COLONEL GORDON "JACK" MOHR OF BAY SAINT LOUIS, MISSISSIPPI, A DISTINGUISHED PATRIOT AND PROMINENT FUNDAMENTAL BAPTIST EVANGELIST.

Also:

H. J. R. 316. HONORING MRS. ALVA CRAIG WOLF UPON HER RETIREMENT AS COORDINATOR OF THE SPEECH THERAPY PROGRAM OF THE MONTGOMERY PUBLIC SCHOOLS.

Also:

H. J. R. 372. NAMING THE OMS 14 SHOP AT TALLADEGA, ALABAMA, THE "RAY PATTERSON OPERATION MAINTENANCE FACILITY."

McDOWELL LEE,  
Secretary.

S. 432 RESUMED  
AMENDMENT OFFERED

Rep. Wyatt offered the following amendment to the bill, S. 432 as amended:

Amend S. B. 432 on page 2, Section 1, line(s) 26 by adding after the word Article a period and adding the following: one percent of said discount should be passed on to the retailer on his gas volume.

## AMENDMENT TABLED

On motion of Rep. Kelley, the amendment offered by Rep. Wyatt to the bill, S. 432 as amended, was tabled.

Yeas 42; Nays 29.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Biddle, Cabaniss, Carter, Cosby, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Grimsley, Grouby, Harper (T), Higginbotham, Hines, Holley, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Moore, Owens, Parker, Reed, Riddick, Sandusky, Sasser, Shoemaker, Smith (M), Starkey, Trammell, Turner, Waggoner, Ward, Warren, Willis and Zoghby.

—42

*Nays:*

Reps. Bennett, Boles, Bowling, Brakefield, Cates, Cheatwood, Coburn, Crow, Edwards, Escott, Goodwin, Harper (O), Harrison, Holmes, Horn, Howard, Jackson, Laird, Langford, McKee, Manley, Olive, Rains, Seibels, Smith (C), Stewart, Tucker, Whatley and Wyatt.

—29

And the bill, S. 432 as amended, was read a third time at length and passed.

Yeas 62; Nays 38.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Campbell, Carothers, Carter, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Higginbotham, Hines, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, McMillan, Minus, Mitchell, Moore, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—62

*Nays:*

Reps. Adams (C), Bennett, Boles, Bowling, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Clark (G), Coburn, Crow, Daniels, Escott, Gilmer, Goodwin, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Laird, Langford, Lewis, McKee, Manley, Naramore, Nevett, Olive, Rains, Ray, Seibels, Smith (C), Stewart, Tucker, Venable and Whatley.

—38

And the bill:

S. 348. To authorize the state to join a compact between the states of Mississippi and Louisiana for the purpose of studying the feasibility of rapid

rail transit service between the states; to authorize the Governor to join the compact; and to establish a joint interstate commission for such purpose.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bills:

S. 189. Relating to the rules of the road; prescribing a limitation on the fine for certain speeding violations on interstate highways; and exempting such offenses from any docket or court costs which might otherwise be prescribed; and prohibiting such violations from being recorded on driving records.

S. 24. To require that persons who transport children under the age of three use a passenger restraint system in certain instances; to provide penalties for violation of the act.

McDOWELL LEE,  
Secretary.

#### MOTION TO ADJOURN LOST

The motion offered by Rep. Johnson (Roy) that the House adjourn until 11:00 o'clock a.m., Monday, April 26, 1982, was lost.

Yeas 22; Nays 62.

*Yeas:*

Reps. Barton, Brakefield, Campbell, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Harper (O), Harper (T), Harvey, Johnson (Roy), Manley, Minus, Nevett, Olive, Parker, Rains, Reed, Riddick, Shavers and Stout.

—22

*Nays:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Carter, Coburn, Cosby, Crow, Daniels,

Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Gregg, Grouby, Hammett, Harrison, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Laird, Langford, Letson, Lewis, McKee, McMillan, Mitchell, Moore, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—62

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 201. To amend Section 12-17-110, Code of Alabama 1975, providing for the re-appointment and removal of circuit court registrars, so as to provide for an extension of not more than six years upon the re-appointment of a circuit court register who otherwise would be eligible to retire, and providing limitations on the salary of same.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Sandusky, the House concurred in and adopted the Senate amendment to the bill, H. 201, said Senate amendment being as follows:

Amend Section 1 of House Bill 201 by striking paragraph 13 and causing paragraph (b) thereof to read in full as follows:

"(b) Re-appointment.—A register who:

(1) Holds office on October 10, 1975, and

(2) Is not eligible to retire and receive retirement compensation by reason of age and years of service or by provision of any retirement program in effect on January 17, 1977, may be re-appointed for terms of six years, but no register shall be re-appointed after completion of any term during which he becomes eligible to retire and receive retirement compensation; provided, that a register who becomes eligible to retire during a term shall be eligible to re-appointment by the Presiding Judge of his Circuit for not more than six additional terms of one year each; and provided further, that until such time as the register becomes eligible to retire and receive retirement compensation, re-appointment shall be automatic unless a majority of the circuit judges within the circuit, or by unanimous agreement where there are only two circuit judges, file a written declaration with the administrative director of courts stating that the register shall not be re-appointed. At such time, the office shall be deemed vacant under subsection (a) of this section."

Yeas 49; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Coburn, Dixon, Drinkard, Ford, Grouby, Harper (T), Hines, Holmes, Horn, Kennedy, Laird,

Langford, Lewis, McMillan, Minus, Moore, Nevett, Owens, Parker, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Stewart, Trammell, Turner, Warren, Williams, Willis, Wyatt and Zoghby.

—49

*Nays:* Reps. Holley and Riddick.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 201 as amended, was again read at length and passed.

Yeas 59; Nays 3.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (W), Cobb, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Harper (T), Higginbotham, Hines, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McMillan, Minus, Moore, Nevett, Parker, Patton, Penry, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

*Nays:* Reps. Gilmer, Holley and Riddick.

—3

#### RECESS

On motion of Rep. Bedsole and the resolution, H. R. 395, previously adopted, the House recessed at 6:00 o'clock p.m. until 8:00 o'clock p.m.

#### HOUSE RECONVENED

The hour of 8:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 598. Relating to Mobile County; providing that the board of registrars shall appoint one or more deputy registrars for each municipality to take applications for voter registration one day each week.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Callahan, Figures, and Gulledege.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 597. Relating to Mobile County and specifically to the Mobile Board of School Commissioners and all full-time employees of the Board requiring use of funds from certain portions of revenue received from ad valorem taxes.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Callahan, Figures, and Gullledge.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 432. To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 552. To authorize and provide for the incorporation by one or more counties or municipalities of the state of one or more health care authorities as public corporations to acquire, own and operate hospitals and other health care and related facilities within or without the boundaries of such counties or municipalities, or within or without the boundaries of the state; to provide for the making, filing, recording and amendment of the certificate of incorporation of each such authority; to provide for the government of each such authority by a board of directors and for the election, appointment, terms, compensation and removal of the members of such board of directors, and to provide for the holding of regular, special or other meetings of such board of directors without regard to the provisions of Section 13A-14-2 of the Code of Alabama 1975, as amended; to provide for the officers of such authority; to specify the general powers and duties of such authority and its board of directors; to empower such authority to acquire, operate, lease and manage hospitals and other types of health care facilities; to empower such authority to borrow money and to issue and sell interest bearing securities and refunding securities, and to provide for the terms and conditions of the sale of such securities; to provide for the payment of and the security for such securities and for the use of the proceeds of such securities; to provide that such securities may be secured by a foreclosable mortgage on any health care facilities or other properties of such authority; to provide a method for giving



constructive notice of any mortgage, security interest, assignment or pledge made by such authority; to provide that such securities and other contracts entered into by such authority shall not constitute or create a debt of the state or any political subdivision thereof, and shall constitute negotiable instruments; to authorize the investment of certain funds of such authority; to provide for the creation of special reserves and other funds as may be necessary or desirable for the corporate purposes of such authority; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of securities by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such securities or any instrument securing the same; to empower such authority to engage in anti-competitive activities within the contemplation of state and federal antitrust laws; to authorize such authority to make expenditures that would be considered ordinary and necessary expenses of such authority under state income tax law, subject to certain exceptions; to authorize investment by certain persons, corporations and political subdivisions in the securities of such authority; to exempt each such authority and the property, income, securities and certain conveyances and documents thereof from all taxation by the state or any political subdivision thereof; to exempt the gross proceeds of sales of property used in the construction of health care facilities for an authority from all sales and similar excise taxes in the state, and to exempt such property from all use and similar excise taxes in the state; to exempt each such authority from all laws of the state governing usury or prescribing or limiting interest rates and, together with the officers, employees, and members of the board of directors thereof, from certain laws pertaining to competitive bidding; to authorize such authority, if its certificate of incorporation so provides, to exercise the same power of eminent domain as that appertaining to its authorizing subdivision or subdivisions, subject to certain exceptions; to authorize the designation of such authority as the agent of a county for certain public health purposes; to apply to such authority certain provisions of the Code of Alabama 1975, as amended, pertaining to tort claims and judgments against local governmental entities; to authorize, subject to certain conditions, such authority and any of its authorizing subdivisions to enter into leases covering projects of such authority and to specify requirements respecting such leases; to provide that the rentals payable and the obligations created by any such authorizing subdivision in any such lease shall be general obligations of such authorizing subdivision for which its full faith and credit may be pledged but shall be payable solely out of the current revenues of such authorizing subdivision for the fiscal year during which such rents are payable and during which such agreements are required to be performed; to authorize such authorizing subdivisions to make special pledges of certain revenues and taxes as security for rentals payable and agreements to be performed by it under such lease; to provide the priority of any such special pledges; to authorize political subdivisions, and certain public hospital corporations and public agencies, authorities or bodies to convey to any health care authority, with or without consideration, any health care authority, with or without consideration, any health care facilities and other property owned by them; to specify the effect of such conveyance on certain permits then held by such corporations, agencies, authorities or bodies; to provide that such authority and the directors, officers and employees thereof shall not be subject to the provisions of Chapter 25 of Title 36 of the Code of Alabama 1975, as amended; to provide that, in the event of any transfer of a health care facility to any such authority, certain taxes, tax proceeds or other revenues shall thereafter be paid to such authority, subject to certain restrictions; to provide for the disposition of the

earnings of any such authority, its dissolution and the disposition thereupon of its assets and properties; to provide that certain public hospital corporations and public agencies, authorities or bodies may reincorporate as health care authorities hereunder and to provide for certain consequences or effects of such reincorporation; and to provide that any law requiring attachment of fiscal notes to certain bills shall not apply to this act.

Also:

H. 585. To make a conditional appropriation to the Board of Corrections for the fiscal year ending September 30, 1982.

Also:

H. 300. To provide for the participation by the State of Alabama in the Southeast Interstate Low-Level Radioactive Waste Compact; to provide for the designation of this state's members on the Southeast Interstate Low-Level Radioactive Waste Commission; to provide for the acquisition of property and the operation of a treatment, storage or disposal site; to require a faithful performance bond in the amount of \$2,000,000; to create a Radiation Safety Fund; to provide for the collection of fees; appropriates \$25,000 from the general fund to the Southeastern Low-Level Radioactive Waste Commission; and provides penalties for violations.

Also:

H. 70. To provide that certain retirement income of military personnel shall be exempt from state, county and municipal income taxes; to amend Section 40-18-20 of the Code of Alabama 1975, so as to increase the amount of retirement income that shall be exempt from taxation; to provide for different amounts of such exemption to become effective at subsequent dates.

Also:

H. 509. To authorize voluntary income tax check-off for support of the arts; to establish the Arts Development Fund from the net proceeds generated from such contributions; to provide for the distribution of such funds to certain tax exempt organizations or associations which encourage the development of high quality and significant art and cultural activities or facilities; to prescribe certain responsibilities for the Commissioner of Revenue in collecting such funds and forwarding the proceeds to the State Treasurer for deposit in the general fund of the state treasury in a fund designated "Arts Development Fund"; to provide for continuous appropriations from such fund to the Council on the Arts and Humanities for the purposes of this act and Sections 41-9-40 through 41-9-47 of the Code of Alabama 1975, relating to the powers, duties and responsibilities of the said council; to prescribe the substantial content for tax returns to provide for such contributions; to provide that such funds shall be supplemental and shall not be construed to be in lieu of annual appropriations; and to provide for an effective date.

McDOWELL LEE,  
Secretary.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to take up out of order the bill, S. 426.

Yeas 2; Nays 0.

Yeas: Reps. Howard and Johnson (Roy).

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 426. To amend Sections 1 and 5 of Act No. 651, H. 1555 of the 1973 Special Session (Acts 1973, p. 972), which created an Industrial Development Authority for Tuscaloosa County so as to provide further for the composition of the board of such authority and to prescribe certain tax exempt status and security for bonds issued by said authority.

Was read a third time at length and passed.

Yeas 6; Nays 0.

Yeas:

Reps. Clark (G), Holmes, Howard, Johnson (Roy), Mitchell and Seibels.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 353. To further amend Sections 40-18-5, 40-18-14, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71, and 40-18-81 Code of Alabama 1975, relating to the income tax so as to change the rates of taxation, enable married persons to file joint returns, increase the optional standard deduction, conform certain exclusions and deductions to federal law, allow deductions for contributions to individual retirement accounts and individual retirement annuities and to provide for the taxation of distributions from such accounts and annuities, allow deductions for contributions by self-employed individuals to qualified plans on their behalf, conform to federal law the deduction by corporations for contributions to qualified plans, allow exemption from the income tax of certain charitable, etc. entities which are exempt from federal income tax, provide for the personal exemption not to be prorated in the year of an individual taxpayer's death, and modify the requirement of withholding income taxes to reflect the above.

Was taken up.

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, S. 353:

On page 4, on lines 22 and 24, delete the language "January 1, 1982" and insert in lieu thereof:

July 20, 1981

## MOTION TO TABLE LOST

The motion offered by Rep. Coburn to table the amendment offered by Rep. Venable to the bill, S. 353, was lost.

Yeas 11; Nays 49.

*Yeas:*

Reps. Amari, Cheatwood, Gafford, Holley, Holmes, Howard, Johnson (Roy), Lewis, Naramore, Waggoner and Wyatt.

—11

*Nays:*

Mr. Speaker, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Gilmer, Grouby, Harper (O), Harper (T), Harrison, Horn, Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Payne, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shoemaker, Smith (C), Starkey, Turner, Venable, Whatley, Williams and Zoghby.

—49

## AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Venable to the bill, S. 353, and the amendment was adopted.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Gilmer, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Pegues, Penry, Rains, Ray, Seibels, Shoemaker, Smith (C), Starkey, Turner, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—62

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 52. To create the Alabama board of optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

McDOWELL LEE,  
Secretary.

S. 353 RESUMED

And the bill, S. 353, as amended, was read a third time at length and passed.

Yeas 71; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Barton, Bedsole, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

*Nays:* Reps. Amari, Bennett, Cooley, McKee and Stout.

—5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 369. COMMENDING SEMINOLE ELECTRIC COOPERATIVE, INC. FOR ITS CONTRIBUTION TO THE ECONOMIC DEVELOPMENT OF ALABAMA.

Also:

H. J. R. 375. COMMENDING THE FIRST BAPTIST CHURCH OF OPP, ALABAMA, ON THE 80TH ANNIVERSARY OF ITS FOUNDING.

Also:

H. J. R. 376. COMMENDING MISS KAY IVEY FOR OUTSTANDING SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 377. COMMENDING SENIOR FORWARD CHRIS GILES OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM BLAZERS.

Also:

H. J. R. 379. ENCOURAGING THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BIRMINGHAM TO USE ANY UNPLEDGED NEW MONEY COMING IN UNDER THE RECENTLY ENACTED LEVELIZED BEER TAX TO PAY CITY EMPLOYEE PAY RAISES AND LONGEVITY PAY.

Also:

H. J. R. 381. MOURNING THE DEATH OF MRS. MARY JANE WOOLFOLK OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 382. HONORING MR. GEORGE G. McFADEN.

Also:

H. J. R. 388. COMMENDING MRS. ERIE H. MEYER.

Also:

H. J. R. 391. ACKNOWLEDGING THE GRATITUDE OF THE ALABAMA LEGISLATURE TO THE SECRETARIES ON THE HOUSE AND SENATE STAFF.

Also:

H. J. R. 393. ACKNOWLEDGING THE GRATITUDE OF THE ALABAMA LEGISLATURE TO THE PORTERS ON THE HOUSE AND SENATE STAFF.

Also:

H. J. R. 392. DESIGNATING THE WEEK OF JULY 11-17, 1982, AS NATIONAL COUNTRY-GOSPEL MUSIC WEEK IN ALABAMA.

McDOWELL LEE,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 257. MOURNING THE DEATH OF MRS. MARIE REYNOLDS LEWIS OF BESSEMER, ALABAMA.

On motion of Rep. Biddle, the resolution, S. J. R. 257, was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 182. To provide authority for the state board of education to appoint a Chancellor to serve as the executive officer of the board to assist the board in carrying out its authority and responsibility to operate and manage the junior colleges and trade schools, and Athens College; provide that the board shall set the salary of its chief executive officers; establish the authority of the board and Chancellor regarding the junior colleges and trade schools and the Office of the Chancellor; and provide authority for administrative actions necessary to govern the junior colleges and trade schools.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill 182 without his signature and approval and with suggested Executive Amendments.

Respectfully submitted,  
WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 20th day of April, 1982.

To The Alabama Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill 182 without my signature and approval and with the following suggested Executive Amendments:

On the first page of the enrolled bill, on line 21 before the word "executive" insert the word "chief".

On the first page of the enrolled bill, on line 23 following the semicolon after the words "Athens College" insert the words "to create a department of postsecondary education".

On page two of the enrolled bill, after line 12 insert a new subsection (6) which shall read as follows: "6. Postsecondary education department is a parallel organization to the state department of education directly responsible to the state board of education for the direction and supervision of junior colleges and trade schools and community colleges with a chief executive officer entitled Chancellor".

On page two of the enrolled bill, on line 18, delete the words "state board of education" and insert in lieu thereof the word "Chancellor".

On page two of the enrolled bill, on line 18, delete the words "provisions of this Act" and insert in lieu thereof the words "approval of the Board".

On page two of the enrolled bill, on line 21 after the word "Chancellor" and before the period, insert the words "who will also be chief executive officer of the postsecondary education department".

On page three of the enrolled bill, on line 25 after the word "shall" delete the remainder of line 25 and on line 26 delete the words "communication to the state board of education concerning." and in lieu thereof on line 25 after the word "shall" insert the words "act as chief executive officer of the post-secondary education department of the state board of education and will direct all".

On page three of the enrolled bill, on line 27 after the word "schools" and before the period insert the words "within the policies of the state board of education".

On page four of the enrolled bill, on line 11 after the word "proper" delete the words "to assist" and insert in lieu thereof the words "to administer policies, rules and regulations of".

On page four of the enrolled bill, on line 14 after the word "education" insert the words "on the activities of the postsecondary education department".

On page four of the enrolled bill, on line 27 after the word "Board" delete the word "may" and insert in lieu thereof the word "will".

On page four of the enrolled bill, on line 27, after the word "Chancellor" delete the words "subject to rules and regulations adopted" and further delete from page four of the enrolled bill on line 28 the words "by the Board".

On page four of the enrolled bill, delete lines 32 through lines 38 in their entirety.

The Adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,

FOB JAMES,  
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 182, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 19; Nays 0.

And said Bill, S. B. 182, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 20, Nays 0.

And said Bill, S. B. 182, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Sasser, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 182, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 64; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (W), Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Letson, McMillan, Minus, Moore, Naramore, Nevett, Olive, Pegues, Penry, Rains, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—64

*Nays:* Reps. Cates and Stout.

—2



And the bill:

S. 182. To provide authority for the state board of education to appoint a chancellor to serve as the chief executive officer of the board to assist the board in carrying out its authority and responsibility to operate and manage the junior colleges and trade schools, and Athens College; to create a department of postsecondary education provide that the board shall set salary of its chief executive officers; establish the authority of the board and Chancellor regarding the junior colleges and trade schools and the Office of the Chancellor; and provide authority for administrative actions necessary to govern the junior colleges and trade schools.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 66; Nays 4.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (W), Cooley, Cosby, Crow, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Grouby, Hall, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—66

*Nays:* Reps. Cates, Daniels, Dixon and Stout.

—4

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 788. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Dial, the House non-concurred in the Senate amendment to the bill, H. 788, and requested a Committee on Conference be appointed on the disagreement of the two Houses on the Senate amendment, said amendment being as follows:

Amend House Bill 788 by adding the following new Section 4 and therefore making the existing Section 4, Section 5 and renumber subsequent sections accordingly:

"Section 4. No electric utility company or other entity providing electric power and service within the City of Lincoln shall construct its lines and

facilities on, over, or under any of the streets, avenues, alleys, public places and thoroughfares of the City of Lincoln in the area annexed herein as described above, or in any areas annexed in the future in the City of Lincoln, where electric lines or facilities are already situated or under construction for the purpose of duplicating the facilities already existing or under construction. Furthermore, no electric utility company or other entity providing electric power and service shall extend service to any customer under 200 K. W. demand peak of electrical load that is already receiving electrical service from another electric utility company or other entity providing electric power and service."

Yeas 39; Nays 0.

*Yeas:*

Mr. Speaker, Bennett, Biddle, Brakefield, Carter, Cheatwood, Cooley, Crow, Daniels, Dial, Escott, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Holmes, Johnson (R. G.), Letson, McMillan, Minus, Moore, Naramore, Olive, Owens, Penry, Rains, Ray, Roberts, Seibels, Shoemaker, Smith (C), Trammell, Waggoner, Ward and Williams.

—39

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Dial, Shoemaker and Johnson (R. G.).

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 668. Relative to Class 4, 5, 7 and 8 municipalities, to amend Section 9 of Act No. 79-722 to provide for the sale or lease of municipal property not needed for municipal or public purposes for use by a commercial enterprise in furnishing hotel services.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Drinkard, the House concurred in and adopted the Senate amendment to the Bill, H. 668, said Senate amendment being as follows:

Amend House Bill 668 as substitute Page 1 Line 8, by inserting after the word Class, the figure "1,"

A BILL  
TO BE ENTITLED  
AN ACT

Relative to Class 4, 5, 6, 7 and 8 municipalities, to amend Section 9 of Act No. 79-722, as heretofore amended by Act No. 80-315, to provide for the sale or for fair market value or lease for fair market rental of municipal property not needed for municipal or public purposes for use by a commercial enterprise in furnishing hotel services.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 79-722 as heretofore amended by Act No. 80-315, is amended to read as follows:

Section 9. NO CONTRIBUTION BY MUNICIPALITY. No municipality shall have the power to pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, and shall not have the power to use land already owned by the municipality, or in which the municipality has an equity, for construction thereon of a project or any part thereof; providing, however, that municipal property which is not needed for public or municipal purposes may be sold for fair market value or leased for fair market rental for a project; such fair market values to be conclusively determined by the governing body of the municipality. The entire cost of acquiring any project must be paid out of the proceeds from the sale of bonds issued under the authority of this act; provided, however, that this provision shall not be construed to prevent a municipality from accepting donations of property to be used as a part of any project or money to be used for defraying any part of the cost of any project.

Section 2. If any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this act which is not in and of itself invalid or unconstitutional.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Bennett, Biddle, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Cooley, Cosby, Daniels, Dixon, Drinkard, Escott, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Holmes, Horn, Johnson (R. G.), Langford, Letson, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Penry, Rains, Ray, Reed, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Turner, Waggoner, Ward, Whatley, Williams and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 668. Relative to Class 1, 4, 5, 6, 7 and 8 municipalities, to amend Section 9 of Act No. 79-722, as heretofore amended by Act No. 80-315, to provide for the sale or for fair market value or lease for fair market rental of municipal property not needed for municipal or public purposes for use by a commercial enterprise in furnishing hotel services.

As amended, was again read at length and passed.

Yeas 55; Nays 1.

*Yeas:*

Mr. Speaker, Barton, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Escott, Gafford, Gilmer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harrison, Holmes, Horn, Johnson (R. G.), Kennedy, Langford, Letson, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Penry, Rains, Ray, Reed, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Trammell, Turner, Ward, Whatley, Williams and Wyatt.

—55

*Nay:* Rep. Grouby.

—1

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 278. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state at least 120 days prior to any such general election a list of the signatures of at least one percent of the electors of the state, district, county or other political subdivisions in which the political party seeks to qualify candidates for office, and unless the party shall have fulfilled all other applicable requirements of federal, state or local laws.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Venable, the House concurred in adopted the Senate amendment to the bill, H. 278, said Senate amendment being as follows:

In the synopsis strike the following words on line 14, least 120 days before the election and add in lieu thereof the following: the same time set by law for candidates in primary elections to qualify.

Further amend H. 278 on Line 27, Page 1, by striking least 120 days prior to any general election and add in lieu thereof: the same time set by law in Section 17-16-11, Code of Alabama 1975, for candidates in primary elections to qualify.

Further amend H. 278 on Line 6, Page 2, by striking least 120 days prior to any such general election and insert in lieu thereof: the same time set by law in Section 17-16-11, Code of Alabama 1975, for candidates in primary elections to qualify.

Yeas 76; Nays 3.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—76

*Nays:* Reps. Harrison, Holmes and Tucker.

—3

And the bill:

H. 278. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state at the same time set by law in Section 17-16-11, Code of Alabama 1975, for candidates in primary elections to qualify a list of the signatures of at least one percent of the electors of the state, district, county or other political subdivisions in which the political party seeks to qualify candidates for office, and unless the party shall have fulfilled all other applicable requirements of federal, state or local laws.

As amended, was again read at length and passed.

Yeas 69; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Ford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Johnson (R. G.), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—69

*Nays:* Reps. Jackson and Tucker

—2

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Kirkland:

S. J. R. 275. COMMENDING HOUSE SPEAKER JOSEPH C. McCORQUODALE, JR., FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND TO THE STATE OF ALABAMA.

WHEREAS, the Honorable Joseph Charles McCorquodale, Jr., has served the State of Alabama as a member, and for the past two terms as Speaker, of the Alabama House of Representatives since his first election to the 1959-63 term, and through subsequent re-election for five additional terms and 24 years of contributory achievement on behalf of our state; and

WHEREAS, it is the consensus of this membership that Speaker McCorquodale has helped guide the State of Alabama in competent leadership toward a common goal of positive progress in all areas; and

WHEREAS, a member of the Alabama Academy of Honor and the recipient of an inordinate number of other awards, Mr. McCorquodale is truly a distinguished first citizen of Alabama who has devoted his life to the good of his state, dedicated himself to its advancement and never once wavered in his pursuit of responsible government for the citizens of Alabama; and

WHEREAS, he is a graduate of Marion Military Institute and the University of Alabama, a combat veteran of World War II, member of the Methodist Church and a civic and community leader in his home town of Jackson and Clarke County as well as statewide; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are both privileged and honored to commend our friend and colleague, Joseph C. McCorquodale, Jr., and to further acknowledge a debt of gratitude on behalf of the citizens of Alabama for his outstanding service for 24 years in the Alabama House of Representatives.

BE IT FURTHER RESOLVED, That Speaker McCorquodale be presented with a copy of this resolution, tendered in friendship and in warm personal regard.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 275, set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 331. To permit any person or entity to sell diesel fuel for the use in the operation of any motor vehicle upon the highways of this state and diesel fuel for off-highway purposes from the same tank and the same pump if certain requirements are met.

Also:

H. 480. To provide a sixteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1983.

Also:

H. 329. To amend Section 11-54-95 of the Code of Alabama 1975 so as to permit the filing of for record in the office of the judge of probate without the payment of any tax or fees (other than recording fees) not only any leases made by a municipal industrial development board but also any agreements or contracts of sale made by any such board and any deeds or other documents whereby properties are conveyed by any such board pursuant to a contractual obligation or as a result of the exercise of an option granted by such board, and so as to provide that such documents, as well as the other referred to in said Code section, may be so filed without the payment of any taxes or fees (other than recording fees) not only in the office of the judge of probate of the county in which such board is organized but also in the office of the judge of probate of any county in which any property involved is located.

Also:

H. 697. To make an additional appropriation for salaries and other expenses for the use of the Legislature.

McDOWELL LEE,  
Secretary.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Holley to suspend the rules in order to take up out of order the bill, S. 408, was lost.

And the bill:

S. 396. To authorize Sheriffs of the several counties of the State of Alabama to employ investigators to determine certain qualifications of a person before issuing a pistol license and to establish methods of compensation.

Was taken up.

#### AMENDMENT OFFERED

Rep. Stout offered the following amendment No. 1 to the bill, S. 396:

On page 1, line 10, following the word "counties" insert the following language:

Except Jackson, and DeKalb, Morgan Counties.

On page 1, line 19, following the word "Alabama" insert the following language:

except Jackson, and DeKalb, Morgan Counties.

Also, on page 1, line 24, following the word "Alabama" insert the following language:

except Jackson, and DeKalb, Morgan Counties.

#### MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Tucker to indefinitely postpone the bill, S. 396, with pending amendment, was lost.

Yeas 7; Nays 34.

*Yeas:*

Reps. Buskey, Carothers, Gilmer, Harrison, Holley, Roberts and Tucker.

—7

*Nays:*

Mr. Speaker, Albright, Amari, Biddle, Cabaniss, Carter, Cheatwood, Cosby, Crow, Daniels, Dixon, Gafford, Hall, Howard, Jackson, Mitchell, Moore, Nevett, Olive, Payne, Pegues, Penry, Rains, Sandusky, Seibels, Smith (J), Stewart, Trammell, Turner, Waggoner, Warren, Williams, Willis and Wyatt.

—34

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO TEMPORARILY POSTPONE

Rep. Stout offered the motion to temporarily postpone the bill, S. 396 with pending amendment.

#### MOTION TO TABLE LOST

The motion offered by Rep. Gafford to table the motion offered by Rep. Stout to temporarily postpone further consideration of the bill, S. 396, was lost.

Yeas 14; Nays 34.

*Yeas:*

Mr. Speaker, Cheatwood, Coburn, Gafford, Goodwin, Howard, Moore, Payne, Penry, Sandusky, Smith (J), Stewart, Trammell and Whatley.

—14

*Nays:*

Reps. Albright, Brakefield, Cabaniss, Carothers, Cobb, Cooley, Cosby, Dial, Dixon, Drinkard, Ford, Gilmer, Hall, Hammett, Harper (T), Harrison, Harvey, Holley, Holmes, Kennedy, Langford, McKee, Mitchell, Nevett, Patton, Pegues, Rains, Roberts, Seibels, Shavers, Smith (C), Stout, Turner and Wyatt.

—34

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### S. 396 TEMPORARILY POSTPONED

On motion of Rep. Stout, the bill, S. 396 with pending amendment, was temporarily postponed.



Yeas 40; Nays 17.

*Yeas:*

Reps. Albright, Bedsole, Bennett, Brakefield, Cabaniss, Carter, Cooley, Dial, Dixon, Escott, Gilmer, Hall, Hammett, Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Kennedy, McKee, McMillan, Minus, Mitchell, Nevett, Patton, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stout, Tucker, Whatley and Wyatt.

—40

*Nays:*

Mr. Speaker, Biddle, Cheatwood, Crow, Gafford, Howard, Moore, Olive, Payne, Reed, Sandusky, Trammell, Turner, Venable, Warren, Willis and Zoghby.

—17

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, S. 408.

Yeas 63; Nays 4.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Seibels, Smith (C), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

*Nays:*

Reps. Gilmer, Rains, Shavers and Stout.

—4

And the bill:

S. 408. To transfer certain funds to the state parts division of the Department of Conservation and Natural Resources to be utilized exclusively for the development of Frank W. Jackson State Park from the state parks capital outlay fund.

Was read a third time at length and passed.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford,

McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

## MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Gafford to suspend the rules in order to take up out of order the bill, S. 300, was lost, lacking a four-fifths vote.

Yeas 25; Nays 16.

*Yeas:*

Reps. Buskey, Carter, Clark (G), Clark (W), Cooley, Cosby, Gafford, Grouby, Harper (T), Holmes, Kennedy, Minus, Nevett, Olive, Rains, Reed, Roberts, Smith (J), Tucker, Turner, Waggoner, Warren, Whatley, Willis and Zoghby.

—25

*Nays:*

Reps. Bennett, Dixon, Gilmer, Johnson (R. G.), McKee, McMillan, Moore, Payne, Penry, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Ward and Wyatt.

—16

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## H. 150 TEMPORARILY POSTPONED

On motion of Rep. Holley, the motion offered by Rep. Owens that the House concur in and adopt the Senate amendment to the bill, H. 150, was temporarily postponed.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 73. To provide for a state income tax refund check-off designation for the support of nongame or wildlife programs in Alabama.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Grouby, the House concurred in and adopted the Senate amendment to the bill, H. 73, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for a state income tax refund check-off designation for the support of nongame wildlife programs in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature hereby declares that all vertebrate wildlife species not commonly pursued, killed, or consumed either for sport or profit, herein referred to as "nongame wildlife", have need of special protection and that it is in the public interest to preserve, protect, perpetuate, and enhance such nongame wildlife resources of this state through preservation of a satisfactory environment and an ecological balance. The legislature specifically declares that such "nongame wildlife" is under the jurisdiction of the Game and Fish Division of the Department of Conservation and Natural Resources, and that it is in the best interest of the citizens of Alabama to provide an additional means by which the management of such nongame wildlife may be financed through a voluntary check-off designation on state income tax return forms. The intent of the legislature is that this check-off program shall be supplemental to any funding, and in no way is intended to take the place of any funding, that would otherwise be appropriated for this purpose.

Section 2. (a) Each Alabama state individual income tax return form for the 1982 tax year and each year thereafter shall contain a designation as follows:

ALABAMA NONGAME WILDLIFE PROGRAM

Check ( ) if you wish to designate \$1, \$5, \$10 or more of your state income tax refund for this program. If joint return, check ( ) if spouse wishes to designate \$1, \$5, \$10 or more.

(b) Each individual taxpayer required to file a state income tax return pursuant to Title 40, Chapter 18 of the Code of Alabama 1975 desiring to contribute to the Alabama nongame wildlife program may designate, by placing an "X" in the appropriate box on the state income tax form, that such contribution shall be credited to said program.

Section 3. The Department of Revenue shall determine annually the total amount designated pursuant to section 2 of this act for the Alabama nongame wildlife program and shall deposit such amount, less costs of administration not to exceed ten percent of revenue produced, in the state treasury to the credit of the game and fish fund to be used exclusively for purposes of preserving, protecting, perpetuating and enhancing nongame wildlife in this state.

Section 4. The Commissioner of the Department of Revenue and the Commissioner of the Department of Conservation and Natural Resources are hereby authorized to prescribe and implement such forms, rules and regulations as shall be necessary to carry out the intent of this act. Nothing in this act shall be construed to give any rights of condemnation to the Department of Conservation and Natural Resources.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Brakefield, Carothers, Carter, Cates, Clark (W), Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

And the bill:

H. 73. To provide for a state income tax refund check-off designation for the support of nongame wildlife programs in Alabama.

As amended, was read again at length and passed.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Brakefield, Campbell, Carothers, Carter, Cates, Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 108. To amend Section 16-25-3, Code of Alabama 1975, to provide for the reopening of the teacher's retirement system so as to allow certain members to repay on or before the date of their retirement, any contributions previously withdrawn plus interest.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Carothers, the House non-concurred in the Senate amendment to the bill, H. 108, and requested a Committee on Conference be

appointed on the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1982, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 16-25-11, as amended, is hereby further amended to read as follows:

"§16-25-11. Creditable Service."

"(a) Under such rules and regulations as the board of control shall adopt, each person who was a teacher prior to October 1, 1940, and who under the provisions of this chapter makes up contributions plus 8% compound interest on such contributions for the time said teacher taught as a nonmember and who becomes a member prior to October 1, 1974, shall file a detailed statement of all service as a teacher rendered by him prior to October 1, 1940, for which he claims credit. The board of control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall it allow any credit for a period of absence without pay for more than one month's duration, nor shall more than one year of service be creditable for all service in one calendar year. Service rendered for a regular school year shall be equivalent to one year's service. Subject to the above restrictions and to such other rules and regulations as the board of control may adopt, the board of control shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed. Upon verification of the statements of service, the board of control shall issue prior service certificates certifying to each member the length of service rendered prior to October 1, 1940, with which he is credited on the basis of his statement of service. Any prior service certificate heretofore issued not providing for the maximum prior service to which the member is entitled shall be revised to include such credit. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, that any member may request the board of control to modify or correct his prior service certificate. When membership ceases, a prior service certificate shall become void. Should a teacher again become a member, he shall enter the system as a teacher not entitled to prior service credit. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member and also, if he has a prior service certificate, which is in full force and effect, the amount of the service certified on his prior service certificate."

"(b) Any teacher, or retired teacher, who became a member of the retirement system before July 1, 1973, and who prior to said date has been ineligible to receive credit for services rendered as a teacher prior to September 1, 1941, for reasons other than having taught as a nonmember shall be

eligible under the rules and regulations adopted by the board of control in accordance with the provisions of this chapter to receive credit for all service as a teacher rendered by him prior to October 1, 1940; provided, that such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said fund; and provided, that said member has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system."

"(c) Any teacher who was a member of the Teachers' Retirement System as of September 9, 1955 shall be eligible to receive credit for service rendered as a state employee on a full time basis prior to October 1, 1945, under such rules and regulations as may be adopted by the board of control in accordance with the provisions of this chapter."

"(d) Anything in this chapter to the contrary notwithstanding, any teacher who is not a member of the teachers' retirement system or who becomes a member of the teachers' retirement system at a future date, who had previously withdrawn his funds from either the teachers' retirement system or the employees' retirement system or whose account has been terminated due to a five years absence shall have restored to him all creditable service, provided, that said teacher repays to the treasurer of the retirement system the amount previously returned to him including compounded interest of eight percent to the date of repayment, within eight months after completion of five years of contributing membership service, or, if such teacher has already completed five years of contributing membership service on October 1, 1965, then with in one year after such date prior to the date of retirement of said member."

"(e) Anything in this chapter to the contrary notwithstanding any teacher who has been retired from service and who is now receiving a service retirement allowance or a disability retirement allowance, pursuant to section 16-25-14, who had five years or more of contributing membership service in the teachers' retirement system immediately prior to being retired and who had previously withdrawn his funds either from the teachers' retirement system or the employees' retirement system or whose account had been terminated due to five years' absence shall have restored to him all creditable service; provided, that said retired teacher pays to the treasurer of the retirement system within one year after October 1, 1965 October 1, 1982, the amount previously returned to him including compound interest of eight percent to the date of repayment."

Section 2. Code of Alabama 1975, Section 36-27-11, as amended, is hereby further amended to read as follows:

"§36-27-11. Determination of prior creditable service; computation of creditable service at retirement; procedure for restoration of creditable service to certain persons; payment of make up contributions by certain persons."

"(a) Under such rules and regulations as the board of control shall adopt, each member who was an employee prior to October 1, 1945, and who has made up contributions for time served as a nonmember and who becomes a member prior to September 1, 1966, shall file a detailed statement of all service as an employee rendered by him prior to October 1, 1945, for which he claims credit."

"(b) The board of control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of

service, but in no case shall it allow any credit for a period of absence without pay of more than one month's duration, nor shall more than one year of service be creditable for all service in one calendar year."

"(c) Subject to the restrictions in subsection (b) of this section and to such other rules and regulations as the board of control may adopt, the board of control shall verify, as soon as practicable after the filing of the statements of service provided for in subsection (a) of this section, the service therein claimed."

"(d) Upon verification of the statements of service, the board of control shall issue prior service certificates certifying to each member the length of service rendered prior to October 1, 1945, with which he is credited on the basis of his statement of service. Any beneficiary retired prior to October 1, 1945, and any other person receiving a retirement allowance on account of a beneficiary retired prior to said date shall be entitled on and after said date to have his pension increased to take account of any service rendered as an employee established under the provisions of this article. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the board of control to modify or correct his prior service certificate. When membership ceases, such prior service certificate shall become void. Should the employee again become a member, he shall enter the system as an employee not entitled to prior service credit."

"(e) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also, if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate."

"(f) Any person who was a member of the retirement system on July 1, 1961, and who prior to said date had been ineligible to receive credit for service rendered as an employee prior to October 1, 1945, for reasons other than having been employed as a nonmember shall be eligible under the provisions of this article to receive credit for all service as an employee rendered by him prior to October 1, 1945; provided, that such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said funds and has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system."

"(g) Any member entitled to prior service credit as provided in this section who served as a teacher in the public schools or colleges of the state on a full-time basis prior to October 1, 1945, may claim prior service credit for all such service not otherwise creditable to him under the retirement system, such service, anything in this chapter to the contrary notwithstanding, to be considered service as an employee. Such claim shall be subject to such rules and regulations as the board of control shall adopt."

"(h) Anything in this article to the contrary notwithstanding, any employee who was is a member of the retirement system as of August 2, 1957, or who becomes any future employee who becomes a member of the retirement system who shall have previously withdrawn his funds from either the employees' retirement system or the teachers' retirement system or whose account shall have been terminated due to five years absence shall have restored to him all creditable service; provided, that said employee shall

complete five years of contributing membership service after he again becomes a member of the retirement system and shall repay the amount previously returned to him, including regular compounded interest of eight percent to the date of repayment, to the treasurer of the retirement system within eight months after completion of five years of contributing membership service or, if such employee has already completed five years of contributing membership service as of August 2, 1957, then within eight months after said date prior to the date of retirement of said employee."

"(i) Anything in this article to the contrary notwithstanding, any employee who has been retired from service and who has been receiving a service retirement allowance or a disability retirement allowance, as of August 10, 1965 October 1, 1981, pursuant to section 36-27-16, who had five years or more of contributing membership service in the employees' retirement system immediately prior to being retired and who had previously withdrawn his funds from either the teachers' retirement system or the employees' retirement system or whose account had been terminated due to five years absence, shall have restored to him all credited service; provided that said retired member shall repay to the treasurer of the retirement system within eight months one year after August 10, 1965 October 1, 1982, the amount previously returned to him including regular compounded interest of eight percent to the date of repayment."

"(j) Anything in this article to the contrary notwithstanding, any member who has served as a county engineer shall be allowed to make contributions to the retirement system, together with regular interest to date of payment, on the basis of the amount he would have contributed had he as a county engineer been allowed to contribute on that part of his salary paid by the state highway department. Such makeup contribution shall be for service from October 1, 1945, to September 30, 1965, and shall be paid in a lump sum before January 1, 1966, whereupon after payment is received the member shall be credited with membership service based on the percentage of the salary as county engineer which was paid by said highway department funds."

"(k) Any member who was in service as a teacher in the public schools of Alabama subsequent to October 1, 1945, who resigned from service as a teacher to become employed by the state as a department head authorized to exercise sovereign power of the state may be allowed to make contributions to the retirement system, together with regular interest to date of payment, on the basis of the amount he would have contributed had he been allowed to become a member of the system upon such employment. Such make-up contributions shall be paid in a lump sum before January 1, 1966."

Section 3. In the event that any section, sentence, clause, or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining sections, sentences, clauses, or portions of this Act, which shall continue effective.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective October 1, 1981, upon its passage and approval by the Governor, or upon its otherwise becoming a law.



Yeas 62; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Horn, Johnson (R. G.), Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—62

*Nay:* Rep. Wyatt.

—1

### COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Carothers, Campbell and Johnson (R. G.).

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 150. To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983; and to provide that certain employees shall be brought up to the normal step under the state pay plan; and to appropriate funds.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the Senate amendment to the bill, H. 150, said Senate amendment being as follows:

On page 2 in Section 2, lines 18 and 19, delete the last sentence and insert in lieu thereof the following:

In the event there are not sufficient funds to pay state employees the increased salaries provided herein, such amounts as may be necessary to pay state employees such increased salaries are hereby appropriated for the fiscal year beginning October 1, 1982 from such funds as the salaries of the several state employees are paid, or, if there is not sufficient money in such funds, then from the general fund of the State treasury or any revenue sharing funds.

### A BILL TO BE ENTITLED AN ACT

To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983 and to provide that certain employees shall be brought up to the normal step under the state pay plan and to appropriate funds.

## Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the first payday on October 1, 1982 and payable in twenty-seven equal installments beginning on the first payday on October 1, 1982, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and state judges, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon the state, county, or other contributing agency under the direction of the state board of health shall receive a 12 percent salary increase. Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges to any other employee of this state. All such increases shall be in addition to the salary received by such employees.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the state treasury if such judges' salaries are increased under and by the virtue of: (1) The recommendation contained in the Report of the Judicial Compensation Commission to the 1982 Regular Session of the legislature becoming law; or (2) the enactment into law of legislation altering and amending said report; or (3) any other legislation enacted into law during the 1982 Regular Session of the legislature. By this act the legislature directs that the aforesaid 12 percent increase for fiscal year 1982-83 be paid from funds incorporated in and appropriated by the general appropriations act for the fiscal year ending September 30, 1983, and from funds incorporated in and appropriated by the education appropriations act for fiscal year ending September 30, 1983. It is not the intent of this act to appropriate additional monies for this purpose.

Section 3. The director of the state personnel department shall revise the schedule of rates set forth in the pay plan for state employees subject to the merit system law to reflect the increase provided and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. The director of the state personnel department shall also revise the rates of pay for hourly state employees and for legislative personnel, including but not limited to Legislative Reference Service personnel, not subject to the state merit systems law to reflect the increases herein provided and the comptroller shall draw his warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller who shall issue warrants in accordance therewith.

Section 4. Any law to the contrary notwithstanding, in addition to any increase in compensation granted in Section 1, any state employee granted a step increase after October 1, 1980, under the provisions of Act 80-616, Regular Session 1980, which step increase was in an amount less than a normal step under the state pay plan shall be brought up to the step in the

state pay plan where such employee would be without regard to any limitation on step increases under the provisions of such Act. Such amounts as may be necessary to pay state employees the increased salaries provided in this section are hereby appropriated for the fiscal year beginning October 1, 1982, from such funds as the salaries of the several state employees are paid, or, if there is not sufficient money in such funds, then from the general fund of the State treasury or any revenue sharing funds, such additional sums as may be necessary to pay the salary increases herein provided for such state employees and officials as are subject to the provisions of this Act.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

H. 150. To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983 and to provide that certain employees shall be brought up to the normal step under the state pay plan and to appropriate funds.

As amended, was again read at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 91. Relating to Class I municipalities, and any municipality having a population of 250,000 or more according to the last or any subsequent federal decennial census, to authorize the Mayor of any such municipality in this state to employ for and on behalf of said municipality a Chief Administrative Assistant to the Mayor, to provide how the maximum salary of the Chief Administrative Assistant shall be determined by the Mayor, to preserve salary and merit system rights of classified employees appointed to the Mayor's staff, and to provide that such employee shall not be subject to any merit system while serving on the Mayor's staff but shall be a member of any pension system applicable to merit system employees, provided application for such membership be made within thirty (30) days of appointment.

said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To The Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 91 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 20th day of April, 1982.

To The Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 91 without my signature and approval and with the following suggested Executive Amendments.

Add following the word "Mayor" in the fifth line of Section 1, page one of the Enrolled Bill, the words "whose salary".

Delete the words and numbers "\$39,500 thirty nine thousand five hundred" in the sixth and seventh lines of Section 1, page one of the Enrolled Bill, and substitute in lieu thereof the following "thirty nine thousand five hundred dollars (\$39,500.00)".

Delete the word "become" in the second line on page two of the Enrolled Bill and substitute in lieu thereof the word "be".

The Adoption of the above and foregoing suggested Executive Amendments will remove my objection to the Bill.

Respectfully,  
FOB JAMES,  
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 91, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 91, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 91, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Rep. Escott offered the motion that the House concur in and adopt the amendment proposed by His Excellency, the Governor, to the bill, S. 91, said Governor's amendment being set out in the above and foregoing Message from the Senate.

#### SUBSTITUTE MOTION TABLED

On motion of Rep. Cabaniss, the substitute motion offered by Rep. Payne that the House non-concur in the amendment proposed by His Excellency, the Governor, was tabled.

Yeas 12; Nays 6.

*Yeas:*

Reps. Bennett, Cabaniss, Escott, Gafford, Harrison, Horn, Howard, Moore, Nevett, Seibels, Trammell and Waggoner.

—12

*Nays:* Reps. Cheatwood, Jackson, Lewis, Olive, Payne and Tucker. —6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 70. To provide that certain retirement income of military personnel shall be exempt from state, county and municipal income taxes; to amend

Section 40-18-20 of the Code of Alabama 1975, so as to increase the amount of retirement income that shall be exempt from taxation; to provide for different amounts of such exemption to become effective at subsequent dates.

Also:

H. 201. To amend Section 12-17-110, Code of Alabama 1975, providing for the re-appointment and removal of circuit court registers, so as to provide for an extension of not more than six years upon the re-appointment of a circuit court register who otherwise would be eligible to retire, and providing limitations on the salary of same.

Also:

H. 300. To provide for the participation by the State of Alabama in the Southeast Interstate Low-Level Radioactive Waste Compact; to provide for the designation of this state's members on the Southeast Interstate Low-Level Radioactive Waste Commission; to provide for the acquisition of property and the operation of a treatment, storage or disposal site; to require a faithful performance bond in the amount of \$2,000,000; to create a Radiation Safety Fund; to provide for the collection of fees; appropriates \$25,000 from the general fund to the Southeastern Low-Level Radioactive Waste Commission; and provides penalties for violations.

Also:

H. 509. To authorize voluntary income tax check-off for support of the arts; to establish the Arts Development Fund from the net proceeds generated from such contributions; to provide for the distribution of such funds to certain tax exempt organizations or associations which encourage the development of high quality and significant art and cultural activities or facilities; to prescribe certain responsibilities for the Commissioner of Revenue in collecting such funds and forwarding the proceeds to the State Treasurer for deposit in the general fund of the state treasury in a fund designated "Arts Development Fund"; to provide for continuous appropriations from such fund to the Council on the Arts and Humanities for the purposes of this act and Sections 41-9-40 through 41-9-47 of the Code of Alabama 1975, relating to the powers, duties and responsibilities of the said council; to prescribe the substantial content for tax returns to provide for such contributions; to provide that such funds shall be supplemental and shall not be construed to be in lieu of annual appropriations; and to provide for an effective date.

Also:

H. 585. To make a conditional appropriation to the Board of Corrections for the fiscal year ending September 30, 1982.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 501. To amend Sections 26-2-1 and 26-2-45, Code of Alabama 1975, to provide that the courts may, in the exercise of their judicial discretion, appoint a "limited guardian" for a partially disabled person.

Also:

H. 542. To provide that the State Personnel Board, with the approval of the Governor, may provide that the State shall pick-up member contributions to the Employees' Retirement System of Alabama and that such contributions shall be treated as employer contributions for federal income tax purposes but shall continue to be treated as before for all other state law purposes and to further provide that the Supreme Court of Alabama may provide that the State and counties shall pick-up member contributions to the Judicial Retirement Fund and that such contributions shall be treated as employer contributions for federal tax purposes but shall continue to be treated as before for all other state law purposes.

Also:

H. J. R. 335. Relative to the Continuation and Reorganization of an Interim Committee on Municipal Government of the Legislature of Alabama, Setting Out the Duties and Functions of the Committee.

Also:

H. J. R. 337. INCREASING THE NUMBER OF BOARD MEMBERS OF THE ALABAMA SCHOOL OF FINE ARTS FROM ELEVEN TO FIFTEEN.

Also:

H. J. R. 365. MOURNING THE DEATH OF MRS. MARIE REYNOLDS LEWIS OF BESSEMER, ALABAMA.

Also:

H. J. R. 372. NAMING THE OMS 14 SHOP AT TALLADEGA, ALABAMA, THE "RAY PATTERSON OPERATION MAINTENANCE FACILITY."

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 552. To authorize and provide for the incorporation by one or more counties or municipalities of the state of one or more health care authorities as public corporations to acquire, own and operate hospitals and other health care and related facilities within or without the boundaries of such counties or municipalities, or within or without the boundaries of the state; to provide for the making, filing recording and amendment of the certificate of incorporation of each such authority; to provide for the government of each such authority by a board of directors and for the election, appointment, terms, compensation and removal of the members of such board of directors, and to provide for the holding of regular, special or other meetings of such board of directors without regard to the provisions of Section 13A-14-2 of the Code of Alabama 1975, as amended; to provide for the officers of such authority; to specify the general powers and duties of such authority and its board of directors; to empower such authority to acquire, operate, lease and manage hospitals and other types of health care facilities; to empower such authority to borrow money and to issue and sell interest-bearing securities and refunding securities, and to provide for the terms and conditions of the sale of such securities; to provide for the payment of and the security for such securities and for the use of the proceeds of such securities; to provide that such securities may be secured by a foreclosable mortgage on any health care facilities or other properties of such authority; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge made by such authority; to provide that such securities and other contracts entered into by such authority shall not constitute or create a debt of the state or any political subdivision thereof, and shall constitute negotiable instruments; to authorize the investment of certain funds of such authority; to provide for the creation of special reserves and other funds as may be necessary or desirable for the corporate purposes of such authority; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of securities by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such securities or any instrument securing the same; to empower such authority to engage in anti-competitive activities within the contemplation of state and federal antitrust laws; to authorize such authority to make expenditures that would be considered ordinary and necessary expenses of such authority under state income tax law, subject to certain exceptions; to authorize investment by certain persons, corporations and political subdivisions in the securities of such authority; to exempt each such authority and the property, income, securities and certain conveyances and documents thereof from all taxation by the state or any political subdivision thereof; to exempt the gross proceeds of sales of property used in the construction of health care facilities for an authority from all sales and similar excise taxes in the state, and to exempt such property from all use and similar excise taxes in the state; to exempt each such authority from all laws of the state governing usury or prescribing or limiting interest rates and, together with the officers, employees, and members of the board of directors thereof, from certain laws pertaining to competitive bidding; to authorize such authority, its certificate or incorporation so provides, to exercise the same power of eminent domain as that appertaining to its authorizing subdivision or subdivisions, subject to certain exceptions; to authorize the designation of such authority as the agent of a county for



certain public health purposes; to apply to such authority certain provisions of the Code of Alabama 1975, as amended, pertaining to tort claims and judgments against local governmental entities; to authorize, subject to certain conditions, such authority and any of its authorizing subdivisions to enter into leases covering projects of such authority and to specify requirements respecting such leases; to provide that the rentals payable and the obligations created by any such authorizing subdivision in any such lease shall be general obligations of such authorizing subdivision for which its full faith and credit may be pledged but shall be payable solely out of the current revenues of such authorizing subdivision for the fiscal year during which such rents are payable and during which such agreements are required to be performed; to authorize such authorizing subdivisions to make special pledges of certain revenues and taxes as security for rentals payable and agreements to be performed by it under such lease; to provide the priority of any such special pledges; to authorize political subdivisions, and certain public hospital corporations and public agencies, authorities or bodies to convey to any health care authority, with or without consideration, any health care facilities and other property owned by them; to specify the effect of such conveyance on certain permits then held by such corporations, agencies, authorities or bodies; to provide that such authority and the directors, officers and employees thereof shall not be subject to the provisions of Chapter 25 of Title 36 of the Code of Alabama 1975, as amended; to provide that, in the event of any transfer of a health care facility to any such authority, certain taxes, tax proceeds or other revenues shall thereafter be paid to such authority, subject to certain restrictions; to provide for the disposition of the earnings of any such authority, its dissolution and the disposition thereupon of its assets and properties; to provide that certain public hospital corporations and public agencies, authorities or bodies may reincorporate as health care authorities hereunder and to provide for certain consequences or effects of such reincorporation; and to provide that any law requiring attachment of fiscal notes to certain bills shall not apply to this act.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 80. To amend Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, relating to certain resident and nonresident hunting licenses so as to increase the license fees for nonresident licenses, set the expiration date, provide for the contents of the license, set certain penalties and set the maximum number of deer which may be taken under a nonresident license.

Also:

H. 154. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

H. 155. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 156. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 158. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 397. To make appropriations for the support and maintenance of the Tuskegee Institute.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 353. To further amend Sections 40-18-5, 40-18-14, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71, and 40-18-81 Code of Alabama 1975, relating to the income tax so as to change the rates of taxation, enable married persons to file joint returns, increase the optional standard deduction, conform certain exclusions and deductions to federal law, allow deductions for contributions to individual retirement accounts and individual retirement annuities and to provide for the taxation of distributions from such accounts and annuities, allow deductions for contributions by self-employed individuals to qualified plans on their behalf, conform to federal law the deduction by corporations for contributions to qualified plans, allow exemptions from the income tax of certain charitable, etc., entities which are exempt from federal income tax, provide for the personal exemption not to be prorated in the year of an individual taxpayer's death, and modify the requirement of withholding income taxes to reflect the above.

McDOWELL LEE,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 697. To make an additional appropriation for salaries and other expenses for the use of the legislature.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### S. 91 RESUMED

The question was then on the motion offered by Rep. Escott that the House concur in and adopt the amendment proposed by His Excellency, the Governor, to the bill, S. 91.

#### SUBSTITUTE MOTION TABLED

On motion of Rep. Escott, the substitute motion offered by Rep. Payne to temporarily postpone consideration of the bill, S. 91, with Executive amendment, was tabled.

Yeas 12; Nays 6.

*Yeas:*

Reps. Bennett, Cabaniss, Escott, Gafford, Harrison, Horn, Howard, Moore, Nevett, Seibels, Trammell and Waggoner.

—12

*Nays:* Reps. Cheatwood, Jackson, Lewis, Olive, Payne and Tucker. —6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was again on the motion offered by Rep. Escott that the House concur in and adopt the amendment proposed by His Excellency, the Governor, to the bill, S. 91.

#### SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Tucker to indefinitely postpone the bill, S. 91, with Executive amendment, was lost.

Yeas 7; Nays 13.

*Yeas:*

Reps. Buskey, Cheatwood, Jackson, Lewis, Olive, Payne and Tucker.

—7

*Nays:*

Reps. Amari, Bennett, Biddle, Cabaniss, Gafford, Horn, Howard, Moore, Nevett, Seibels, Stewart, Trammell and Waggoner.

—13

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was again on the motion offered by Rep. Escott that the House concur in and adopt the amendment proposed by His Excellency, the Governor, to the bill, S. 91, said Executive amendment being set out in the above and foregoing Message from the Senate, and the motion was adopted.

Yeas 12; Nays 3.

*Yeas:*

Reps. Bennett, Cabaniss, Gafford, Horn, Howard, Jackson, Moore, Nevett, Seibels, Trammell, Tucker and Waggoner.

—12

*Nays:* Reps. Cheatwood, Olive and Payne.

—3

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 91 as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 11; Nays 6.

*Yeas:*

Reps. Bennett, Cabaniss, Escott, Gafford, Horn, Howard, Moore, Nevett, Seibels, Trammell and Waggoner.

—11

*Nays:* Reps. Amari, Cheatwood, Lewis, Olive, Payne and Tucker.

—6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Hilliard and Parsons:

S. J. R. 268. ENCOURAGING THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BIRMINGHAM TO USE ANY UNPLEDGED NEW MONEY COMING IN UNDER THE RECENTLY ENACTED LEVELIZED BEER TAX TO PAY CITY EMPLOYEE PAY RAISES AND LONGEVITY PAY.

WHEREAS, the employees of the City of Birmingham are in dire need of a pay raise and longevity pay provisions in their pay plan; and

WHEREAS, some new money will be coming into the city treasury of the City of Birmingham under the recently enacted levelized beer tax; and

WHEREAS, only a portion of this new money is pledged for the use of the city transit authority; and

WHEREAS, we wish to encourage the mayor and the city council to give serious consideration to using a portion of the unpledged new revenues to grant city employee pay raises and longevity pay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strongly urge and encourage the mayor and the city council of the City of Birmingham to use some of the revenue that will be coming into the city treasury under the recently enacted levelized beer tax to grant pay raises and longevity pay to city employees.

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to the mayor and each member of the city council of the City of Birmingham, to the Birmingham News Media and the city employees' organization in Birmingham.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The resolution, S. J. R. 268 set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Lemaster:

S. J. R. 269. TO EXTEND THE LIFE OF THE JOINT INTERIM COMMITTEE TO STUDY NEW GUIDELINES OF THE FARMERS HOME ADMINISTRATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the life of the Joint Interim Committee to Study New Guidelines of the Farmers Home Administration created by Act No. 81-1200, H. J. R. 56, of the Third Special Session of the Legislature, with all powers and duties conferred thereby, is hereby extended to November 30, 1982, for the purpose of studying the rules, regulations and guidelines of any lending institution that lends money to the farmer. The

committee is hereby limited to a budget of \$7,500.00, and such sum or so much thereof as is necessary is hereby appropriated from legislative funds available for such purposes for the work of the committee.

McDOWELL LEE,  
Secretary.

The resolution, S. J. R. 269 set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to take up out of order the bill, S. 97.

Yeas 53; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Escott, Gilmer, Goodwin, Hall, Higginbotham, Holley, Horn, Jackson, Johnson (Roy), Kennedy, Langford, Lewis, McMillan, Minus, Mitchell, Naramore, Nevett, Owens, Penry, Rains, Reed, Roberts, Sandusky, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Turner, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—53

*Nays:*

Reps. Campbell, Johnson (R. G.), Patton, Pegues and Shoemaker.

—5

And the bill:

S. 97. (With Amendment): To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Public Welfare, said committee amendment being as follows:

On page 1, line 36, after the period, insert the following language:

The court shall award the animals to the humane society or other agency handling stray animals.

And the amendment was adopted.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bedsole, Bennett, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Hall, Harper (O), Jackson, Johnson (R. G.),

Kennedy, Langford, Lewis, McKee, Mitchell, Moore, Naramore, Nevett, Owens, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turner, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 97 as amended, was read a third time at length and passed.

Yeas 68; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turner, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—68

*Nay:* Rep. Harrison.

—1

And the bill:

S. 339. To amend Section 20-2-53, Code of Alabama, 1975, to provide for an appeal of any action of a certifying board denying, suspending or revoking a registration or refusing the renewal of a registration whether or not such suspension, revocation, or registration is limited; to specify the procedure for taking such an appeal including the time within which a petition for review must be filed; to provide that the venue for an appeal shall be in the Circuit Court of Montgomery County; to provide that the Circuit Court is specifically authorized to exercise its own discretion as to questions of fact as well as law; to provide that the effect of a certifying board's order shall be stayed pending the Circuit Court's determination of the case; to provide for an appeal from the judgment of the Circuit Court; to provide that a decision of the Circuit Court shall not be stayed or held in abeyance pending further appeal; and to provide that the provisions of this act shall take precedence over the provisions of the Alabama Administrative Procedure Act.

Was read a third time at length and passed.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Grimsley, Hall,

Harper (O), Harper (T), Harrison, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—64

## MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Drinkard to suspend the rules in order to take up out of order the bill, S. 343, was lost, lacking a four-fifths vote.

Yeas 24; Nays 22.

*Yeas:*

Reps. Bedsole, Bennett, Buskey, Cosby, Crow, Dial, Edwards, Escott, Gafford, Grouby, Harper (O), Harper (T), Holley, Horn, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Nevett, Tucker, Warren, Whatley and Willis.

—24

*Nays:*

Reps. Adams (C), Campbell, Cooley, Daniels, Dixon, Gilmer, Hall, Harvey, Higginbotham, Johnson (R. G.), McMillan, Mitchell, Olive, Pegues, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Stout, Turner and Wyatt.

—22

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 340. To further specify venue for the judicial review of the administrative decisions of the State Board of Medical Examiners and the Medical Licensure Commission.

Was read a third time at length and passed.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grouby, Hall, Harper (O), Harper (T), Holley, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Penry, Rains, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—67



S. 396 AGAIN TAKEN UP

The bill, S. 396, which previously was temporarily postponed with pending amendment, was again taken up.

AMENDMENT OFFERED

Rep. Stout offered the following amendment No. 2 to the bill, S. 396, with pending amendment:

On page 1, line 10, following the word "counties" insert the following language:

except Jackson, and DeKalb, Morgan, Houston, Lowndes, Wilcox, Sumter, Choctaw and Coffee, counties

On page 1, line 19, following the word "Alabama" insert the following language:

except Jackson, and DeKalb, Morgan, Houston, Lowndes, Wilcox, Sumter, Choctaw and Coffee counties

Also, on page 1, line 24, following the word "Alabama" insert the following language:

except Jackson and DeKalb, Morgan, Houston, Lowndes, Wilcox, Sumter, Choctaw and Coffee counties

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Bedsole, Biddle, Cabaniss, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grouby, Hall, Harper (T), Holley, Horn, Johnson (Roy), Kennedy, Laird, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Nevett, Patton, Pegues, Penry, Rains, Roberts, Seibels, Smith (C), Stewart, Trammell, Turner, Ward, Warren, Whatley and Willis.

—46

*Nays:* Reps. Waggoner and Wyatt.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 396 as amended, was read a third time at length and passed.

Yeas 55; Nays 10.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Biddle, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow,

Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Grouby, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (Roy), Kennedy, Langford, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—55

*Nays:*

Reps. Adams (C), Gilmer, Harrison, Holley, Kelley, Laird, Seibels, Tucker, Whatley and Williams.

—10

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 254. COMMENDING CHIEF RAY BARNES AND THE DOTHAN FIRE DEPARTMENT.

Also:

S. J. R. 255. DESIGNATING APRIL 26, 1982, AS NATIONAL FOOTBALL FOUNDATION SCHOLAR-ATHLETE DAY IN ALABAMA.

Also:

S. J. R. 258. COMMENDING THE LIVINGSTON UNIVERSITY LADY TIGERS BASKETBALL TEAM FOR WINNING THEIR SECOND CONSECUTIVE AIAAW SOUTHERN DIVISION CHAMPIONSHIP.

Also:

S. J. R. 259. COMMENDING THE AUBURN UNIVERSITY WOMEN'S SWIM TEAM ON ITS RECENT PERFORMANCE AT THE N. C. A. A. CHAMPIONSHIPS.

Also:

S. J. R. 260. COMMENDING AUBURN UNIVERSITY WOMEN'S BASKETBALL TEAM ON ITS EXCELLENT SEASON.

Also:

S. J. R. 261. HONORING MR. GEORGE G. McFADEN.

Also:

S. J. R. 262. COMMENDING PATRICIA ANN ELLIOTT UPON HER RECENT RETIREMENT AS DISTRICT DIRECTOR OF THE ALABAMA LUNG ASSOCIATION.

Also:

S. J. R. 263. CONGRATULATING DEAN TRUMAN M. PIERCE ON HIS ACHIEVEMENTS AND CONTRIBUTIONS TO TEACHER EDUCATION.

Also:

S. J. R. 264. COMMENDING MR. CURTIS McMAHAN FOR HIS EFFORTS IN ORGANIZING THE HOKES BLUFF FIRE DEPARTMENT.

Also:

S. J. R. 265. COMMENDING REPRESENTATIVE BROOKS HINES OF BREWTON, ESCAMBIA COUNTY, ALABAMA.

Also:

S. J. R. 266. COMMENDING MRS. PENNIE BUCKELEW FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

Also:

S. 24. To require that persons who transport children under the age of three use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Also:

S. 41. To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

Also:

S. 49. To be known as the Law of Intestate Succession and Wills, providing the substantive law to govern intestate succession and wills, providing definitions of some terms with respect to decedents' estates, establishing certain rights to property of a decedent and amending certain sections of the Alabama Code of 1975 and repealing specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act.

Also:

S. 129. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in Section 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-4 so as to : delete the requirement that at least 80 percent of the first job of a newly licensed

contractor be satisfactorily performed before performing work beyond that contract; change the time within which charges must be heard and to change the place of the hearing.

Also:

S. 189. Relating to the rules of the road; prescribing a limitation on the fine for certain speeding violations on interstate highways; and exempting such offenses from any docket or court costs which might otherwise be prescribed; and prohibiting such violations from being recorded on driving records.

Also:

S. 288. To amend Section 27-7-11, Code of Alabama 1975, which provides for the contents and conducting of licensing examinations for property, casualty and surety insurance representatives, so as to provide further for said examinations and to provide for an effective date.

Also:

S. 307. To amend Section 40-23-1, Alabama Code, 1975, as amended, so as to provide that the dispensing or transferring of ophthalmic materials to a patient by licensed ophthalmologists or optometrists as part their professional service, shall not be considered a sale subject to the state sales tax; to place the responsibility for collecting the sales tax on the transfer of ophthalmic materials on the supplier of such materials to licensed ophthalmologists and optometrists; and to provide that in limited circumstances, the transfer of ophthalmic materials by opticians shall not be considered a sale subject to the state sales tax.

Also:

S. 315. To create the Office of Air Transportation (hereinafter referred to as the Office); to centralize the maintenance, management, storage, usage, fueling, and operations of state owned aircraft; to designate the Act as the "Office of Air Transportation Act of 1982"; to provide a statement of legislative intent; to provide definitions; to provide for a director of the Office; to provide for other personnel for the Office; to provide for the transfer of property and funds from various state agencies which presently maintain and operate state aircraft and to provide for certain exceptions from the provisions of this Act; to authorize the Office to establish a state program of state aircraft operations and to set reasonable charges for the use and maintenance of state aircraft by other state agencies and departments; to provide for duties, powers and functions of the Office; to legislate appropriate funds; to create revolving fund in the state treasury for the operations of the Office and to authorize the director to make deposits and expenditures from time to time as are necessary for the Office's operations; and to require annual reporting by the director of the Office's operations to the Governor and to the Legislature.

Also:

S. 358. To amend Section 41-9-680, Code of Alabama 1975, relating to the Music Hall of Fame Board, so as to alter the board's composition.

Also:

S. 423. To amend Section 12-17-30 of the Code of Alabama 1975 relating to salaries and local salary supplements, so as to prescribe a maximum for local supplements; and to provide exceptions thereto.

Also:

S. 432. To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage.

Also:

S. 459. Relating to Walker County; providing for an additional fee for the issuance of a pistol permit fee by the sheriff; providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

Also:

S. 494. Relating to Marshall County; levying an additional 1% lodgings tax to be used by the Marshall County Tourism Commission for the promotion of Marshall County as a tourist destination; providing that the state department of revenue shall collect such tax.

Also:

S. 531. To amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), relating to Shelby County and the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

Also:

S. 302. To propose a constitutional amendment amending subsection 6.09(d) of Article VI, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 328, relating to judicial compensation so as to provide that the recommendations of the judicial compensation commission shall become law upon confirmation by a joint resolution.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### SPECIAL ORDER RESUMED

And the bill:

S. 254. To establish the "Alabama Dental Services Corporation Act"; to authorize the organization and operation of dental services corporations and to provide exceptions; to prescribe public regulation of such corporations;

to prescribe certain bond and security deposits, working capital, contract and certificate forms; to prescribe procedures for subscription rates, requirements of charters, articles of incorporation and bylaws and amendments thereto; to require certain operational and financial reports; to make certain insurance and criminal laws applicable to such corporations, including: Title 27, Chapters 1, 2, 4, 6, 8, 12 and 32, Title 13-A, Chapter 8, of the Code of Alabama 1975; to provide for requirements and eligibility of applicants and contracting sales agents, reporting and accounting of funds received, business and fiscal accountability and disclosures; to provide certain grounds and procedures for compulsory and discretionary revocation, suspension or refusal for registration for such agents; to authorize the assessment and collection of administrative fines in certain instances; to grant the commissioner of insurance and department of insurance certain powers, duties and responsibilities with respect to the supervision and regulation of such dental services corporations; to authorize the commissioner to formulate, issue and implement reasonable rules and regulations to carry out the provisions of the Act; to prescribe a time frame for certain actions to be made by the commissioner and department; to establish licensing requirements, fee requirements and the payment and disposition of such fees; to prescribe the mode of reviewing and mediating complaints; to authorize the department of insurance to make certain audits and examinations of such corporations; to prohibit any non-licensed or unauthorized persons, or persons who are not in compliance with the provisions of this Act, from using the phrase or functioning in dental services plans or otherwise hold themselves out as so authorized; to provide for such corporations existing prior to the passage of the provisions of this Act; to prescribe criminal penalties and punishment for violations of the provisions of this Act; and to provide an effective date.

Was taken up.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Dixon, the motion offered by Rep. Harrison to postpone consideration of the bill, S. 254, to the thirtieth legislative day, was tabled.

Yeas 35; Nays 5.

*Yeas:*

Mr. Speaker, Bennett, Cabaniss, Carothers, Carter, Cates, Cosby, Daniels, Dixon, Edwards, Gafford, Gilmer, Grouby, Hammett, Harper (O), Higginbotham, Holley, Holmes, Johnson (R. G.), McMillan, Minus, Moore, Naramore, Olive, Patton, Pegues, Penry, Roberts, Smith (C), Stewart, Trammell, Venable, Ward, Warren and Wyatt.

—35

*Nays:* Reps. Cheatwood, Harrison, Johnson (Roy), Nevett and Tucker. —5

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 301. To amend Section 36-7-21, providing for out-of-state travel for State employees; to allow the Commissioner of Agriculture and Industries to approve out-of-state travel requests of persons representing the State Department of Agriculture and Industries.

Also:

H. 283. To amend further section 36-25-1, Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain firemen from the provisions of such code of ethics.

Also:

H. 28. To amend Section 29-1-9, Code of Alabama 1975, relating to compensation of legislative interim committees, so as to remove the one-time mileage restriction.

Also:

H. 75. To amend section 41-16-51, Code of Alabama 1975, as amended, relating to competitive bids so as to exempt purchases of Local Housing Authorities organized under Chapter 1, Title 24, Code of Alabama 1975, from monies other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

McDOWELL LEE,  
Secretary.

#### MOTION TO ADJOURN LOST

The motion offered by Rep. Cates, that the House adjourn until 11:00 o'clock a.m., Monday, April 26, 1982, was lost.

Yeas 9; Nays 44.

*Yeas:*

Reps. Cates, Cheatwood, Clark (G), Harper (O), Harvey, Manley, Rains, Reed and Warren.

—9

*Nays:*

Mr. Speaker, Biddle, Blake, Cabaniss, Carter, Cooley, Dixon, Drinkard, Ford, Gafford, Gilmer, Grouby, Hammett, Higginbotham, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Penry, Ray, Roberts, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Venable, Waggoner, Whatley, Wyatt and Zoghby.

—44

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 254 as amended, was read a third time at length and passed.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Langford, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—60

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 100. To specifically prohibit the manufacture, distribution, possession, advertisement and sale to minors of "look alike" or imitation controlled substances; to establish definitions and penalties; to provide for seizure and forfeiture of such substances.

Also:

H. 289. To define certain terms; to provide that possessing, obtaining, receiving, selling or using a short-barreled rifle or short-barreled shotgun, except by a peace officer acting in the course of or in connection with his official duties, as a Class C felony; to provide that changing, altering, removing, or obliterating the name of the maker, model, manufacturer's number or other mark or identification of any firearm, or possessing such a firearm, is a Class C felony; to provide that violation of this act in the course of or in connection with the commission of another felony shall be punished as a Class B felony; to provide that this act is supplemental to any other law and its penalties are in addition to those otherwise provided by law; to repeal § 13A-11-82; to provide that the provisions of this act are severable; and to provide that this act shall become effective immediately.

Also:

H. 362. Establishing the criminal offense of pharmacy robbery as a separate class of robbery under the criminal code of this state and prescribing certain penalties therefor.

Also:

H. 519. To amend Section 16-13-213, Code of Alabama 1975, relating to board of education notes in anticipation of warrants, so as to alter the period of refund, renewal or extension.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:



S. 47. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an Environmental Management Commission within the Department; to provide for powers and functions of the Environmental Management Commission; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for the repeal of, exemption from or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions, and equipment of the Coastal Area Board to the Office of State Planning and Federal Programs; to provide for the creation of a Coastal Resources Advisory Committee; to provide for the severability of provisions of the Act; and to provide for an effective date of this Act.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. White, Teague, and Parsens.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Kelley, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 47.

Yeas 50; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cosby, Daniels, Dixon, Drinkard, Edwards, Gafford, Grouby, Hammett, Harper (O), Harvey, Higginbotham, Holmes, Horn, Kelley, McKee, McMillan, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—50

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the Speaker named as a Committee on Conference on the part of the House Reps. Kelley, Roberts and Cabaniss.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 265. To provide that any justice or judge of the supreme court or a court of appeals who was holding office with such court on or before June 1, 1976, and who had time of service as a full-time state prosecutor or assistant prosecutor may have such service credited as time in a judicial position with the Judicial Retirement System; to provide that such credit shall be limited to 5 years; to provide that any such justice or judge must pay into the Judicial Retirement Fund a sum equal to 6% of his then annual salary for such year of such credit desired; and to further provide on one year period in which such election and purchase shall be completed.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Cooley, the House concurred in and adopted the Senate amendment to the bill, H. 265, said Senate amendment being as follows:

#### SUBSTITUTE FOR H. B. 265

#### A BILL TO BE ENTITLED AN ACT

To provide that any justice or judge of the supreme court or a court of appeals or any circuit court judge who was holding office with such court on or before June 1, 1976, and who had time of service as a full-time state prosecutor or assistant prosecutor, or who had time of service as an attorney for the state milk control board, may have such service credited as time in a judicial position with the Judicial Retirement System; to provide that such credit shall be limited to 5 years; to provide that any such justice or judge must pay into the Judicial Retirement Fund a sum equal to 6% of his then annual salary for each year of such credit desired; and to further provide a one-year period in which such election and purchase shall be completed.

Be It Enacted by the Legislature of Alabama:

Section 1. Any justice of the supreme court or judge of one of the courts of appeals or any circuit court judge holding office on or before June 1, 1976, who has time of service as a full-time state prosecutor or assistant state prosecutor in any circuit of the state, or who had time of service as an attorney for the state milk control board, shall be entitled to have such time of service, regardless of whether or not such time of service was continuous, treated as time of service in the judicial position he holds on or before June 1, 1976, with the Judicial Retirement System; provided, however, that such time of service does not exceed five (5) years; provided also that such justice or judge shall pay into the Judicial Retirement Fund of Alabama a sum equal to six percent (6%) of his then annual salary for each year of such service that he elects to count toward judicial retirement; provided further that such election and payment shall be made to the Secretary Treasurer of the Employees' Retirement Systems of Alabama within one (1) year from June 1, 1981. Should the records of the Employees' Retirement Systems of Alabama fail to reflect the position held thereunder and for which credit is sought under the provisions of this Act, affidavit from one (1) disinterested person that such position was that of a full-time prosecutor or assistant prosecutor of any circuit in this state, or as an attorney for the state milk control boards, shall suffice as proof thereof.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 54; Nays 0.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Holmes, Horn, Johnson (R. G.), Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—54

And the bill:

H. 265. To provide that any justice or judge of the supreme court or a court of appeals of any circuit court judge who was holding office with such court on or before June 1, 1976, and who had time of service as a full-time state prosecutor or assistant prosecutor, or who had time of service as an attorney for the state milk control board, may have such service credited as time in a judicial position with the Judicial Retirement System; to provide that such credit shall be limited to 5 years; to provide that any such justice or judge must pay into the Judicial Retirement Fund a sum equal to 6% of his then annual salary for each year of such credit desired; and to further provide a one-year period in which such election and purchase shall be completed.

As amended, was again read at length and passed.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Hollev, Holmes, Johnson (R. G.), Johnson (Roy), Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—60

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 221. To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail in Alcoholic Beverage Control Board stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and redistribution of the net proceeds; to

prescribe that all net proceeds generated by this act shall be distributed to the counties and municipalities in which the taxes are collected; to provide that the tax proceeds distributed to counties shall be used by those counties for law enforcement purposes; and to prohibit any county or municipality which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board of its stores.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the Senate amendment to the bill, H. 221, said Senate amendment being as follows:

Amend the Substitute to House Bill 221, page 1, line 21, by deleting the "period" and adding the following:

"unless otherwise provided by local act."

Amend the Substitute to House Bill 221, page 2, line 10, by deleting the "semi-colon" and adding the following:

"unless otherwise provided by local act;"

Amend the Substitute to House Bill 221, page 3, line 17, by deleting the "period" and adding the following:

"unless otherwise provided by local act."

Yeas 50; Nays 1.

*Yeas:*

Reps. Adams (C), Bedsole, Bennett, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Dixon, Drinkard, Edwards, Ford, Grouby, Hammett, Harper (O), Holmes, Johnson (R. G.), Langford, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—50

*Nay:* Rep. Seibels.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 221. To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail in Alcoholic Beverage Control Board stores; to provide that the revenues produced from the additional tax shall be collected by

the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed to the counties and municipalities in which the taxes are collected; to provide that the tax proceeds distributed to counties shall be used by those counties for law enforcement purposes unless otherwise provided by local act; and to prohibit any county or municipality which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores.

As amended, was again read at length and passed.

Yeas 58; Nays 3.

*Yeas:*

Reps. Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—58

*Nays:* Reps. Clark (G), Payne and Seibles.

—3

#### SPECIAL ORDER RESUMED

And the bill:

S 169. To authorize the Alabama Court of Criminal Appeals to hire two staff attorneys and one secretary and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Was read a third time at length and passed.

Yeas 64; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Grouby, Harper (O), Harper (T), Harrison, Higginbotham, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Patton, Pegues, Penry, Rains, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—64

*Nays:* Reps. Olive and Payne.

—2

## MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Gafford to suspend the rules in order to take up out of order the bill, S. 300, was lost, lacking a four-fifths vote.

Yeas 31; Nays 8.

*Yeas:*

Reps. Amari, Bedsole, Carter, Cates, Cheatwood, Clark (G), Cooley, Escott, Ford, Gafford, Harper (O), Harper (T), Holley, Holmes, Howard, Jackson, Langford, McMillan, Mitchell, Moore, Nevett, Rains, Sandusky, Smith (J), Stewart, Trammell, Tucker, Venable, Warren, Willis and Wyatt.

—31

*Nays:*

Reps. Bennett, Johnson (R. G.), Minus, Payne, Pegues, Seibels, Starkey and Whatley.

—8

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 37. To amend further Sections 11-46-20, 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state, in all municipalities except Class 1 municipalities, and except cities and towns organized under a commission form of government, so as to improve and clarify such election procedures.

Was read a third time at length and passed.

Yeas 59; Nays 3.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holmes, Horn, Johnson (R. G.), Kelley, Langford, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—59

*Nays:* Rep. Holley, Jackson and Tucker.

—3

And the bill:

S. 38. To amend further Sections 11-46-90, 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126,

Code of Alabama 1975, as amended, which Sections relate to cities and towns, in all municipalities except Class 1 municipalities, and which are organized under a commission form of government, so as to improve and clarify such election procedures.

Was read a third time at length and passed.

Yeas 56; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Bennett, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Hammett, Harper (O), Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

*Nays:* Reps. Jackson and Tucker.

—2

#### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Venable, Grouby and Turnham:

H. R. 397. COMMENDING MR. JACK JOHNSTON FOR MERITORIOUS SERVICE TO ELMORE COUNTY, ALABAMA.

#### SPECIAL ORDER RESUMED

And the bill:

S. 31. To authorize the Highway Director to administer programs relative to public transportation in rural and urban areas, to perform public transportation planning, to provide technical assistance to local entities for formulating public transportation projects, to assure that public transportation projects are in accordance with the comprehensive transportation planning process, to expend State funds apportioned by the legislature from time to time for public transportation, to develop and promulgate rules and regulations pertaining to public transportation, and to administer public transportation programs enacted by the Legislature of Alabama with such flexibility as is found to be in the public interest.

Was read a third time at length and passed.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Buskey, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Hammett, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Langford, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Tucker, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—58

## MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Minus to suspend the rules in order to take up out of order the bill, S. 300, was lost, lacking a four-fifths vote.

Yeas 46; Nays 19.

*Yeas:*

Reps. Adams (H), Amari, Biddle, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Crow, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Grouby, Hammett, Harper (O), Harvey, Higginbotham, Holley, Langford, Lewis, McMillan, Manley, Minus, Moore, Nevett, Owens, Patton, Rains, Ray, Roberts, Sandusky, Shoemaker, Smith (J), Smith (M), Trammell, Turner, Venable, Waggoner, Warren, Williams and Willis.

—46

*Nays:*

Reps. Bedsole, Bennett, Carothers, Coburn, Cosby, Daniels, Holmes, Johnson (R. G.), Kennedy, Mitchell, Naramore, Olive, Payne, Pegues, Penry, Seibles, Starkey, Whatley and Wyatt.

—19

## MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn until 11:00 o'clock a.m., Monday, April 26, 1982, was lost.

Yeas 13; Nays 59.

*Yeas:*

Reps. Buskey, Carothers, Cates, Cheatwood, Clark (W), Cooley, Escott, Harvey, Holmes, Rains, Smith (M), Warren and Whatley.

—13

*Nays:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carter, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grouby, Hammett, Harper (T), Higginbotham, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Williams and Wyatt.

—59

## SPECIAL ORDER RESUMED

And the bill:

S. 35. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

Was read a third time at length and passed.



*Yeas:*

Mr. Speaker, Adams (C), Bennett, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harvey, Higginbotham, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Minus, Mitchell, Moore, Nevett, Olive, Patton, Rains, Ray, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—55

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 687. To amend Section 40-18-19, so as to provide that the retirement pay of certain peace officers shall be exempt from state and local income tax the same as retirement pay of school teachers, state employees and civil service retirees.

Also:

H. 618. To amend portions of Section 34-24-230, Code of Alabama, 1975, by the addition of definitions relating to the human foot; and to prescribe the surgical scope of the practice of podiatry.

Also:

H. 633. To provide for the transfer of the property of the Huntsville State Docks to the Huntsville-Madison County Marina and Port Authority.

Also:

H. 9. To validate, in certain cases, port authorities attempted to be incorporated under the provisions of Act No. 80-647 adopted at the 1980 Regular Session of the Legislature of Alabama (Sections 11-94-1 et seq. of the Code of Alabama 1975, as amended) and invalid because of any irregularity in the procedure for incorporation.

Also:

H. 565. To create a fund for the Alabama alcoholic beverage control board to be used for inventory purposes by providing that no taxes collected on alcoholic beverages sold by said board or such funds distributed as net profits by said board shall be distributed for at least 25 days by October 1, 1983, for at least 55 days by September 30, 1984, for at least 85 days by September 30, 1985, for at least 115 days by September 30, 1986, for at least 120 days by September 30, 1987 and thereafter, after the close of the month in which said taxes have been collected or such funds distributed as net profits are realized; to provide that any funds now accumulated as a working capital fund or reserve shall be distributed to the several beneficiaries on the same basis as withheld; to provide that all laws or parts of laws in conflict or inconsistent herewith are repealed; to provide an effective date.

Also:

H. 134. To amend Section 40-17-220, Code of Alabama, 1975, to provide that purchases of gasoline, motor fuel and lubricating oil by postsecondary state institutions shall be exempt from taxation under the levy provided for in Section 40-17-220, Code of Alabama, 1975.

McDOWELL LEE,  
Secretary.

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Penry:

H. R. 398. HONORING MRS. EDWINA SULLIVAN UPON HER RETIREMENT AFTER SERVING 30 YEARS IN PUBLIC EDUCATION.

### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Payne, the rules were suspended in order to take up out of order the bill, S. 96.

Yeas 56; Nays 5.

*Yeas:*

Reps. Adams (C), Amari, Bedsole, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, McMillan, Mitchell, Moore, Nevett, Olive, Patton, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Stout, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—56

*Nays:* Reps. Adams (H), McKee, Minus, Starkey and Wyatt.

—5

And the bill:

S. 96. (With Substitute): Relating to the Department of Youth Services; to designate the department as a special school district within the state; to designate a position of superintendent of education for the special district with the responsibility for administering the education programs of the Department of Youth Services in conjunction with its director; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to grandfather in the teaching employees of the Department of Youth Services who have been employed by the Department for at least six months and have been granted tenure as of the date that this Act becomes effective; to provide non-teaching personnel coverage under state merit system; to provide for an employment procedure for new personnel to be hired after this Act is in effect; to provide for a salary schedule for all personnel of the Department; to provide for the continuation of leave days and other benefits available prior to the effective date of this Act; to provide that the Youth Services Board and the Superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendent as

do county boards of education and county superintendents; and to provide that the provisions of this act shall be construed in pari materia with Title 44, Chapter 1 and Chapter 2, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Department of Youth Services; to designate the department as a special school district within the state; to designate a position of superintendent of education for the special district with the responsibility for administering the education programs of the Department of Youth Services in conjunction with its director; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for funding formula and policy for the district; to grandfather the teaching employees of the Department of Youth Services who have been employed by the Department for at least six months and have been granted tenure as of the date that this act becomes effective; to provide non-teaching personnel coverage under the state merit system; to provide for an employment procedure for new personnel to be hired after this Act is in effect; to provide for a salary schedule for all personnel of the Department; to provide for the continuation of leave days and other benefits available to the effective date of this Act; to provide that the Youth Services Board and the superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendent as do county boards of education and county superintendents; and to provide that the provisions of this act shall be construed in para materia with Title 44, Chapter 1 and Chapter 2, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The Department of Youth Services as presently constituted by law is hereby designated as a special school district of the state to be known as the "Youth Services Department District," hereinafter referred to as the district. The relationship existing between the district and the state board of education shall be the same as that of local boards of education to the state board.

Section 2. There is hereby established the position of superintendent of education for the district which shall be filled by the appointment of the governing board of the Department of Youth Services upon the recommendation of the director of said department, and the superintendent shall serve at the pleasure of, and be directly responsible to, the director. The superintendent shall possess such qualifications as may be specified by the Youth Services Board and as provided by Section 16-9-2, Code of Alabama, 1975.

Section 3. The superintendent of the district shall have the general responsibility for administering and supervising the educational programs of

the Youth Services Department as approved by the department director. The superintendent shall have the specific duty of submitting the department's annual educational budget recommendations to the director, which shall be based on any funds made available to the department of such educational purposes. The final annual budget shall be approved by the board upon submission by the director.

Section 4. The Youth Services Board and the State Board of Education shall cooperatively establish a funding formula which reflects the educational needs of the students assigned to its custody. The funds for the educational programs shall be appropriated by the legislature from the special educational trust fund and shall be used only for educational purposes, except when the board determines an emergency situation exists; and upon such a determination the board, as recommended by the director, may transfer funds between items of educational and non-educational sources of funding.

Section 5. As of the effective date of this Act, all personnel who have been employed by the Department of Youth Services for at least six months shall remain in their respective jobs and shall be considered to meet all requirements of the Department in terms of training and experience; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law. The employment of any new teaching personnel after the effective date of this Act shall be on a probationary or non-tenured status with the expectation of attaining tenure under the State's Tenure Law after three consecutive years of service and re-employment for the fourth year. The employment of non-teaching personnel after the effective date of this Act shall continue to be under the provisions and protection of the State Merit System.

Section 6. The Youth Services Director shall work with the Superintendent and the teaching staffs on each of the three campuses to develop a salary schedule for teachers. In placing teachers, granted tenure in Section 5 of this Act, on the resulting salary schedule, no teacher shall be placed at a salary level lower than that held when this Act becomes effective. In addition to developing this salary schedule, the director and superintendent shall work together with teachers to arrange replacement of all leaves and benefits previously enjoyed by the teachers of the Department under the State Merit System. For purposes of obtaining hospital/medical benefits and life insurance, teaching personnel shall remain under the State Employees' hospital/medical and life insurance plans until such time as statewide hospital/medical and life insurance plans are developed for all state teachers.

Section 7. The Board of Youth Services and the Superintendent of Education of the Special School District shall stand in the same relationship to the State Board of Education as do Local Boards of Education and Local Superintendents of Education. The powers, duties and responsibilities of the Board of Youth Services, the superintendent, and the functioning of the district shall be the same as provided for in Sections 16-8-10 and 16-11-18 of Title 16 of the Code of Alabama, 1975.

Section 8. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. The provisions of this Act shall be construed in pari materia with the provisions of law contained in Title 44, Chapters 1 and 2, Code of

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Alabama, 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

Section 10. The effective date of this Act shall be October 1, 1983.

And the substitute was adopted.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

And the bill, S. 96 as amended, was read a third time at length and passed.

Yeas 68; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Edwards, Escott, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

*Nay:* Rep. Holley.

—1

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. McKee to suspend the rules in order to take up out of order the bill, S. 8, was lost, lacking a four-fifths vote.

Yeas 23; Nays 11.

*Yeas:*

Mr. Speaker, Carter, Cooley, Crow, Edwards, Grouby, Hammett, Harper (O), Kennedy, Langford, McKee, Minus, Mitchell, Nevett, Owens, Rains, Ray, Roberts, Smith (J), Stewart, Turner, Warren and Zoghby.

—23

*Nays:*

Reps. Gilmer, Holley, Horn, Howard, Johnson (R. G.), Sandusky, Seibels, Starkey, Tucker, Whatley and Wyatt.

—11

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Letson to suspend the rules in order to take up out of order the bill, S. 300, was lost, lacking a four-fifths vote.

Yeas 35; Nays 20.

*Yeas:*

Reps. Bedsole, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Crow, Daniels, Edwards, Harper (O), Harper (T), Harvey, Kennedy, Langford, Letson, McMillan, Moore, Nevett, Owens, Patton, Penry, Rains, Reed, Roberts, Sandusky, Smith (C), Smith (J), Stewart, Stout, Turner, Venable, Warren and Williams.

—35

*Nays:*

Reps. Bennett, Cabaniss, Carothers, Cosby, Dial, Dixon, Gilmer, Howard, Jackson, Johnson (R. G.), McKee, Naramore, Olive, Pegues, Seibels, Shoemaker, Starkey, Tucker, Whatley and Wyatt.

—20

And the bill:

S. 221. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to employees who are employed full-time by the State of Alabama.

Was taken up.

## SUBSTITUTE OFFERED

Rep. Dixon offered the following substitute to the bill, S. 221:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to employees who are employed full-time by the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-29-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"§36-29-1.

"When used in this chapter, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) **EMPLOYEE.** A person who works full-time for the State of Alabama or for a county health department and who received his full compensation on a monthly basis through means of a state warrant drawn upon the state treasury or by check drawn upon the state treasury or by check drawn by the treasurer of the Alabama State docks' department or by check drawn by the treasurer of the Alabama state agency for surplus property other than those employees covered by the federal Railroad Retirement Act. Such term shall also include those persons who shall retire from the service of the State of Alabama after September 2, 1965, and who, at the time of such retirement, met the criteria set out in this chapter and who, following such retirement, draw a monthly benefit from the employees' retirement system of Alabama; provided that the full-time employees of the county health department in all counties having populations of not less than 300,000 nor more than 500,000 shall also be included in the definition of employee for the purpose of this chapter, and the health department of any such county is hereby authorized to pay the employer's share of any contributions to the retirement fund; provided further, that any district attorney or full-time employees in the district attorney's office, of any judicial circuit shall be included in the definition of employee for the purpose of this chapter, and the respective judicial circuits are hereby authorized to pay the employer's share of any contribution therefor and any person employed part-time by the state of Alabama shall be included in the definition of employee as defined in this Chapter provided such person shall agree to have deducted from his salary a pro rata portion of the premium cost of a full-time state employee based on the percentage of time such person is employed by the State according to rules and regulations established by the State Employees' Insurance Board.

"(2) **BOARD.** The state employees' insurance board."

Section 2. This act shall become effective on the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming a law.

#### S. 221 TEMPORARILY POSTPONED

On motion of Rep. Dixon, the bill, S. 221 with pending substitute, was temporarily postponed.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 80. To amend Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, relating to certain resident and nonresident hunting licenses so as to increase the license fees for nonresident licenses, set the expiration date, provide for the contents of the license, set certain penalties and set the maximum number of deer which may be taken under a nonresident license.

Also:

H. 154. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

H. 155. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 156. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 158. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 397. To make appropriations for the support and maintenance of the Tuskegee Institute.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 150. To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983 and to provide that certain employees shall be brought up to the normal step under the state pay plan and to appropriate funds.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### SPECIAL ORDER RESUMED

And the bill:

S. 343. To provide a mechanism for funding of multiservice programs designed to promote economic self-sufficiency among low-income citizens of the State of Alabama; providing that 95% of monies received from the Community Services Block Grant Act shall be appropriated to Community Action



Agencies as prescribed herein; to provide an allocation schedule; to designate eligible Community Action and certain other agencies under this act; to prescribe duties and responsibilities of Community Action Agencies; to define certain other agencies to be named limited purpose agencies which shall qualify for funds under the provisions of this act and to provide for the administration of the programs of such agencies and to prescribe their duties and responsibilities; to define service areas for Community Action Agencies and limited purpose agencies; to prescribe guidelines for the operation of Community Action Programs under this act.

Was taken up.

AMENDMENT OFFERED

Rep. Drinkard offered the following amendment to the bill, S. 343:

On page 2, line 19, strike the figure "672(1)" and insert in lieu thereof: 673(1)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 1.

*Yeas:*

Reps. Adams (C), Bedsole, Bennett, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Grouby, Hammett, Harper (O), Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Minus, Naramore, Nevett, Olive, Pegues, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—53

*Nay:* Rep. Holley.

—1

SUBSTITUTE OFFERED

Rep. Smith (M) offered the following substitute to the bill, S. 343 as amended:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a mechanism for funding of multi-service programs designed to promote economic self-sufficiency among low-income citizens of the State of Alabama; providing that 90% of monies received from the Community Services Block Grant Act shall be appropriated to Community Action Agencies as prescribed herein; to provide an allocation schedule; to designate eligible Community Action; to prescribe duties and responsibilities of Community Action Agencies; to provide for the administration of the programs of such agencies and to prescribe their duties and responsibilities; to define service areas for Community Action Agencies; and to prescribe guidelines for the operation of Community Action Programs under this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Providing that 90% of all monies received by the State of Alabama through the Community Services Block Grant Act, Section 671 of the Omnibus Budget Reconciliation Act of 1981 shall be appropriated to Community Action Agencies to carry out programs under Section 4 herein. The Legislature is authorized to appropriate any other funds that might become available for the purposes as described in this Act.

Section 2. Funds appropriated for the purpose of Section 1 shall be allocated annually to Community Action Agencies in proportion to the size of the poverty level population served by the agency when compared to the size of the poverty level population and available resources in the state. "Poverty level population" means the number of people whose household income is below the official poverty line established by the United States Director of the Office of Management and Budget.

### Section 3. COMMUNITY ACTION AGENCIES.

Subdivision 1. A Community Action Agency for the purposes of this Act shall be all currently existing Community Action Agencies and all county governing bodies.

Subdivision 2. Each Community Action Agency receiving funds under this Act shall prepare a bi-annual audit to be made available to the public, to state and local government.

Subdivision 3. The specific service area of any Community Action Agency must be specific in its charter. No Community Action Agency service areas shall overlap; nor shall any new service area include less than 50,000 total population. This population requirement shall not affect existing Community Action Agencies, nor affect the authority of an existing agency to expand into an area not already served by a Community Action Program.

Subdivision 4. Each Community Action Agency shall consult neighborhood based organizations composed of residents of the area of members of the groups served to assist the agency in planning, conduct, and evaluation of components of the Community Action Program.

Subdivision 5. A Community Action Agency shall:

- (a) Plan systematically for an effective Community Action Program;
- (b) Encourage agencies engaged in activities related to the Community Action Program to administer assistance on a common or cooperative basis;
- (c) Initiate and sponsor projects responsive to needs of the poor which are not otherwise being met, with particular emphasis on providing central or common services that can be drawn upon by a variety of related programs;
- (d) Establish effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interests;
- (e) Join with and encourage business, labor and other private groups and organizations to undertake activities which will result in the additional use of private resources and capabilities, and otherwise carry out its purposes as approved by its governing board.

### Section 4. COMMUNITY ACTION PROGRAM.

Subdivision 1. A Community Action Program is a community based and operated program which:

(a) Includes or is designated to include a sufficient number of projects of components to provide, in sum, a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;

(b) Conforms to any other supplementary criteria as may be prescribed by federal or state laws or regulations.

Subdivision 2. The components of a Community Action Program may include programs designated to assist participants, including the elderly poor, to:

(a) Secure and retain meaningful employment;

(b) Attain an adequate education;

(c) Make better use of available income;

(d) Obtain and maintain adequate housing and a suitable living environment;

(e) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, employment and energy related assistance;

(f) Remove obstacles and solve problems which block the achievement of self-sufficiency;

(g) Achieve greater participation in the affairs of the community.

Subdivision 3. Components of a Community Action Program may be administered by the Community Action Agency when consistent with sound and efficient management and applicable law, or by other agencies.

Section 5. Any Community Action Agency, whether public or private which has been designated as such at the time of passage of this Act and which has received funding as an "eligible entity" under Section 672(1) of the Community Services Block Grant Act shall maintain such designation and shall continue to receive any funds designated for Community Action Programs as long as those agencies comply with the provisions of this Act and all other applicable state or federal laws or regulations.

Provided, however, that this section shall not be construed to affect the eligibility of newly established Community Action Agencies designated to serve areas not already served by a Community Action Program to receive funding under the Community Action Programs.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective October 1, 1982, upon its passage and approval by the Governor, or upon its otherwise becoming a law. The Governor's staff which currently administers the Community Services Block Grant shall assist in the development of delivery of services as provided in this bill.

## SUBSTITUTE TABLED

On motion of Rep. Drinkard, the substitute offered by Rep. Smith (M) to the bill, S. 343 as amended, was tabled.

Yeas 48; Nays 18.

*Yeas:*

Reps. Bedsole, Bennett, Buskey, Campbell, Carothers, Clark (G), Cosby, Crow, Daniels, Edwards, Escott, Ford, Grimsley, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Minus, Nevett, Owens, Pegues, Penry, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (C), Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—48

*Nays:*

Mr. Speaker, Adams (C), Amari, Carter, Cates, Cheatwood, Clark (W), Dixon, Gafford, Gilmer, Grouby, McKee, McMillan, Mitchell, Rains, Roberts, Smith (M) and Starkey.

—18

And the bill, S. 343 as amended, was read a third time at length and passed.

Yeas 69; Nays 7.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—69

*Nays:*

Reps. Cates, Gilmer, Howard, McKee, McMillan, Rains and Smith (M).

—7

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 640. To create mine rescue stations within the State of Alabama as a part of the Division of Safety and Inspection of the Department of Industrial Relations; to provide for the location, training, compensation, benefits, qualifications and employment status of said station members; and to provide requirements of recovery work.

Also:

H. 725. To withdraw from incorporated municipalities the power to enact an ordinance outlawing or taxing the possession or ownership of hand-guns.

McDOWELL LEE,  
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn until 11:00 o'clock a.m., Monday, April 26, 1982, was lost.

Yeas 34; Nays 42.

*Yeas:*

Mr. Speaker, Adams (H), Campbell, Carothers, Cates, Cheatwood, Clark (W), Crow, Drinkard, Escott, Ford, Gilmer, Harper (T), Harrison, Harvey, Holmes, Horn, Howard, Jackson, Kennedy, Laird, McKee, Manley, Nevett, Owens, Pegues, Rains, Ray, Shavers, Stout, Tucker, Turner, Warren and Whatley.

—34

*Nays:*

Reps. Adams (C), Amari, Bedsole, Bennett, Biddle, Carter, Clark (G), Coburn, Cooley, Cosby, Daniels, Dixon, Gafford, Goodwin, Grouby, Higginbotham, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McMillan, Minus, Moore, Naramore, Olive, Penry, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Williams, Wyatt and Zoghby.

—42

SPECIAL ORDER RESUMED

And the bill:

S. 418. To regulate the practice of Interior Design; to provide for the registration of qualified persons as professional Interior Designers; to create the Alabama State Board of Registration for Interior Designers; to provide for the appointment of its members; to fix the term of the members of the Board and to define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish the Interior Designer Fund; and to provide for the enforcement of this Act.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cabaniss offered the following substitute to the bill, S. 418:

A BILL  
TO BE ENTITLED  
AN ACT

To regulate the practice of Interior Design; to provide for the registration of qualified persons as professional Interior Designers; to create the Alabama State Board of Registration for Interior Designers; to provide for the appointment of its members; to fix the term of the members of the Board and to

define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish the Interior Designer Fund; and to provide for the enforcement of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) As used in this act, unless a contrary meaning is clearly intended from the context in which the term appears, the following terms shall have the meanings hereinafter indicated:

(b) "Board" means the Alabama State Board of Registration for Interior Designers.

(c) "Interior Designer" means a person who is engaged, or offers to engage in, the practice of interior design in this state, as hereinafter defined, and who has been duly registered with the board in accordance with the provisions of this act.

(d) "Interior Design" means the performance of, or offering to perform, services hereinafter described, for a fee or other compensation, to another person, or to a partnership, corporation, or other legal entity, in connection with the design, utilization, furnishing or fabrication of elements in interior spaces in buildings, homes, and related structures. Such services include, but shall not be limited to, the following: programming the functional requirements for interior spaces; preparing analyses of user needs; planning interior spaces; preparing designs, drawings and specifications for selection, use, location, color, and finishes of interior materials, equipment, furnishings and furniture; and administering contracts for fabrication, procurement or installation in connection with such designs, drawings and specifications. Nothing contained herein shall preclude any person from performing, or offering to perform, any of the above-described services, provided that such person shall not be permitted to use or be identified by the title "interior designer."

Section 2. In order to safeguard public welfare and promote public good, any person practicing or offering to practice interior design, privately or in public service, shall be required to submit evidence to the board that he is qualified to practice and shall become registered as hereinafter provided. Those persons practicing or offering to practice interior design at the time this act becomes effective shall apply to become registered within one (1) year of the effective date.

Section 3. For registration as an interior designer, evidence must be submitted to the board that the applicant:

(1) has satisfactorily completed sixty (60) quarter-semester college credit hours or forty-eight (48) tri-semester college credit hours related to the field of interior design; and

(2) has satisfactorily established by written examination his competence to perform the services of an interior designer; or

(3) provides evidence of registration or licensing in another state whose requirements for registration or licensing are equivalent to Alabama's requirements and who extend the same privilege to those registered in Alabama.

Section 4. Examinations for the purpose of registration shall be held by the board at least twice a year. The board shall adopt rules and regulations covering the subjects and scope of the examinations and any exemptions

therefrom as may be deemed appropriate, shall establish fees for examination as may be deemed appropriate, provided that such fees shall not exceed \$150, shall publish appropriate announcements, and shall conduct the examinations at the time and places designated.

Section 5. (a) There is hereby created the Alabama State Board of Registration for Interior Designers which shall consist of five (5) members. The board shall be appointed by the Governor from nominees submitted by the public. The board shall be comprised of the following: Three (3) members shall have been in the practice of, or engaged in the teaching of, interior design, or a combination thereof, for not less than five (5) years prior to appointment; one (1) member shall have been in active practice as an architect in this state, or engaged in the teaching of architecture in this state; one (1) member shall be a layman. The terms of office of said member shall be five (5) years, of which one term expires each year. Any vacancy occurring at any time in the membership of the board shall be filled by the Governor's appointing a successor for the unexpired term from a list of nominees submitted by the board or the public. Members of the board may not serve more than two (2) consecutive terms at a time.

(b) The members of the board shall receive no salary or other compensation for their services as members, but shall be reimbursed for reasonable and necessary expenses incurred in carrying out their duties.

(c) The board shall elect annually from its members a chairman and secretary.

(d) Three (3) members of the board shall constitute a quorum for the transaction of business, of which a majority vote is required by approval of any decision.

(e) Each member of the board shall take the oath of office as prescribed by the constitution of the state of Alabama.

Section 6. (a) The board shall have the powers and duties enumerated in this section.

(b) The board shall hold at least two meetings per year for the purpose of examining candidates for registration as interior designers. It may hold such other meetings and hearings as required the proper performance of its duties under this act. All meetings shall be held within the state of Alabama.

(c) The board shall issue certificates of registration in accordance with this act and shall establish such fees for the issuance and renewals of such certificates; provided, however, that such fees shall not exceed \$50 per year.

(d) The board shall establish rules and regulations concerning revocation or suspension of certificates of registration as an interior designer and the grounds therefor.

(e) The board may adopt a seal for use in transacting its official business.

(f) The board shall keep a record of its proceedings and shall make an annual report thereon to the Governor and the legislature.

(g) The board shall maintain an official roster showing the name, registration number, and address of all interior designers registered under this act and in good standing.

(h) The board shall have such employees as may be provided in the annual state budget.

(i) For the purpose of enforcing the provisions of this act, the board:

(1) may conduct investigations and hold hearings concerning any matter covered by this act at any time or place within the state of Alabama;

(2) may administer oaths and affirmations, examine witnesses and receive evidence; and

(3) may seek legal or equitable relief from the state circuit courts against persons who violate the provisions of this act.

Section 7. The secretary of the board shall receive and account for all monies derived under the provisions of this act and the rules and regulations promulgated by the board and shall, not later than the tenth (10) day of each month, pay all such monies collecting during the previous month to the state treasurer, who shall keep such monies in a separate fund to be known as the "Interior Designer Fund." Such fund shall be kept separate and apart from all other monies in the treasury, and shall be paid out for the expenses of the board and for enforcing this act only by warrant of the comptroller upon the treasurer, upon itemized vouchers, approved by the chairman and attested by the secretary of the board; provided, however, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 41, Chapter 4, Article 4, Code of Alabama 1975. Under no circumstances shall the total amount of warrants issued by the comptroller in payment of the expenses and compensation of the board and of enforcing this act exceed the amount provided therefor by the legislature from the "Interior Designer Fund" in the general appropriation bill.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 35; Nays 5.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Cooley, Crow, Edwards, Escott, Gilmer, Kelley, Kennedy, Naramore, Olive, Payne, Rains, Sandusky, Sasser, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley and Zoghby.

—35

*Nays:* Reps. Dial, Holley, Johnson (Roy), Langford and Wyatt.

—5



PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO POSTPONE TABLED

On motion of Rep. Cabaniss, the motion offered by Rep. Harrison to temporarily postpone the bill, S. 418 as amended, was tabled.

Yeas 35; Nays 16.

*Yeas:*

Mr. Speaker, Bedsole, Biddle, Buskey, Cabaniss, Campbell, Clark (G), Clark (W), Cooley, Cosby, Crow, Gilmer, Grouby, Harper (T), Howard, Kelley, Kennedy, McKee, McMillan, Manley, Naramore, Olive, Pegues, Roberts, Sandusky, Sasser, Smith (J), Starkey, Stewart, Turner, Waggoner, Ward, Warren, Whatley and Zoghby.

—35

*Nays:*

Reps. Cheatwood, Dial, Escott, Harrison, Holley, Holmes, Jackson, Johnson (Roy), Laird, Langford, Mitchell, Rains, Shoemaker, Smith (C), Turner and Wyatt.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN LOST

The motion offered by Rep. Stout that the House adjourn until 11:00 o'clock a.m., Monday, April 26, 1982, was lost.

Yeas 26; Nays 36.

*Yeas:*

Reps. Adams (C), Campbell, Cates, Cheatwood, Clark (W), Crow, Dial, Escott, Gilmer, Gregg, Harper (T), Harvey, Holmes, Laird, Langford, Lewis, Rains, Reed, Sasser, Shavers, Stout, Tucker, Turner, Turnham, Whatley and Willis.

—26

*Nays:*

Reps. Bennett, Blake, Buskey, Carter, Clark (G), Coburn, Cooley, Cosby, Daniels, Dixon, Goodwin, Grouby, Higginbotham, Holley, Howard, Johnson (R. G.), Johnson (Roy), Letson, McKee, McMillan, Minus, Olive, Patton, Pegues, Penry, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Venable, Waggoner, Warren, Wyatt and Zoghby.

—36

## S. 418 RESUMED

## MOTION TO POSTPONE

Rep. Harrison offered the motion to postpone further consideration of the bill, S. 418 as amended, until 11:00 o'clock p.m.

## MOTION TO PASS S. 418

Rep. Cabaniss offered the motion to pass the bill, S. 418 as amended.

## MOTION TO TABLE LOST

The motion offered by Rep. Harrison to table the motion offered by Rep. Cabaniss to pass the bill, S. 418 as amended, was lost.

Yeas 9; Nays 43.

*Yeas:*

Reps. Cheatwood, Holmes, Howard, Jackson, Laird, Langford, Tucker, Whatley and Wyatt.

—9

*Nays:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Cabaniss, Carothers, Carter, Clark (G), Cooley, Cosby, Gilmer, Goodwin, Harper (T), Harvey, Higginbotham, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, McMillan, Manley, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Warren and Zoghby.

—43

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the substitute motion offered by Rep. Cabaniss for final passage of the bill, S. 418 as amended.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 97. To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

McDOWELL LEE,  
Secretary.

## MOTION TO ADJOURN LOST

The motion offered by Rep. Owens that the House adjourn until 11:00 o'clock a.m., Monday, April 26, 1982, was lost.

Yeas 34; Nays 43.

*Yeas:*

Mr. Speaker, Adams (C), Brakefield, Cates, Crow, Dial, Gafford, Gilmer, Harper (T), Holmes, Howard, Jackson, Kennedy, Laird, Langford, Lewis, McKee, Minus, Owens, Patton, Payne, Pegues, Rains, Reed, Sasser, Seibels, Smith (M), Trammell, Tucker, Turner, Turnham, Whatley, Williams and Willis.

—34

*Nays:*

Reps. Amari, Bedsole, Bennett, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Daniels, Dixon, Escott, Goodwin, Grouby, Hammett, Harvey, Higginbotham, Holley, Horn, Johnson (R. G.), Johnson (Roy), Letson, McMillan, Manley, Naramore, Nevett, Olive, Penry, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Venable, Waggoner, Warren, Wyatt and Zoghby.

—43

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 278. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state at the same time set by law in Section 17-16-11, Code of Alabama 1975, for candidates in primary elections to qualify a list of the signatures of at least one percent of the electors of the state, district, county or other political subdivision in which the political party seeks of qualify candidates for office, and unless the party shall hve fulfilled all other applicable requirements of federal, state or local laws.

Also:

H. 329. To amend Section 11-54-95 of the Code of Alabama 1975 so as to permit the filing of for record in the office of the judge of probate without the payment of any tax or fees (other than recording fees) not only any leases made by a municipal industrial development board but also any agreements or contracts of sale made by any such board and any deeds or other documents whereby properties are conveyed by any such board pursuant to a contractual obligation or as a result of the exercise of an option granted by such board, and so as to provide that such documents, as well as the others referred to in said Code section, may be so filed without the payment of any taxes or fees (other than recording fees) not only in the office of the judge of probate of the county in which such board is organized but also in the office of the judge of probate of any county in which any property involved is located.

Also:

H. 331. To permit any person or entity to sell diesel fuel for the use in the operation of any motor vehicle upon the highways of this state and diesel

fuel for off-highway purposes from the same tank and the same pump if certain requirements are met.

Also:

H. 480. To provide a sixteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1983.

Also:

H. 668. Relative to Class 1, 4, 5, 6, 7 and 8 municipalities, to amend Section 9 of Act No. 79-722, as heretofore amended by Act No. 80-315, to provide for the sale or for fair market value or lease for fair market rental of municipal property not needed for municipal or public purposes for use by a commercial enterprise in furnishing hotel services.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 28. To amend Section 29-1-9, Code of Alabama 1975, relating to compensation of legislative interim committees, so as to remove the one-time mileage restriction.

Also:

H. 75. To amend section 41-16-51, Code of Alabama 1975, as amended, relating to competitive bids so as to exempt purchases of Local Housing Authorities organized under Chapter 1, Title 24, Code of Alabama 1975, from monies other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

Also:

H. 100. To specifically prohibit the manufacture, distribution, possession, advertisement and sale to minors of "look alike" or imitation controlled substances; to establish definitions and penalties; to provide for seizure and forfeiture of such substances.

Also:

H. 283. To amend further section 36-25-1, Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain firemen from the provisions of such code of ethics.

Also:

H. 289. To define certain terms; to provide that possessing, obtaining, receiving, selling or using a short-barreled rifle or short-barreled shotgun, except by a peace officer acting in the course of or in connection with his official duties, is a Class C felony; to provide that changing, altering, removing, or obliterating the name of the maker, model, manufacturer's number or other mark or identification of any firearm, or possessing such a firearm, is a Class C felony; to provide that violation of this act in the course of or in connection with the commission of another felony shall be punished as a Class B felony; to provide that this act is supplemental to any other law and its penalties are in addition to those otherwise provided by law; to repeal §13A-11-82; to provide that the provisions of this act are severable; and to provide that this act shall become effective immediately.

Also:

H. 301. To amend Section 36-7-21, providing for out-of-state travel for State employees; to allow the Commissioner of Agriculture and Industries to approve out-of-state travel requests of persons representing the State Department of Agriculture and Industries.

Also:

H. 519. To amend Section 16-13-213, Code of Alabama 1975, relating to board of education notes in anticipation of warrants, so as to alter the period of refund, renewal or extension.

Also:

H. 362. Establishing the criminal offense of pharmacy robbery as a separate class of robbery under the criminal code of this state and prescribing certain penalties therefor.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### S. 418 TEMPORARILY POSTPONED

On motion of Rep. Cabaniss, final passage of the bill, S. 418 as amended, was temporarily postponed.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 73. To provide for a state income tax refund check-off designation for the support of nongame wildlife programs in Alabama.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### S. 221 AGAIN TAKEN UP

And the bill, S. 221 which was previously temporarily postponed with pending amendment, was taken up.

The question was then on the adoption of the substitute offered by Rep. Dixon to the bill, S. 221.

#### MOTION TO TABLE LOST

The motion offered by Rep. Naramore to table the substitute offered by Rep. Dixon to the bill, S. 221, was lost.

Yeas 19; Nays 34.

*Yeas:*

Reps. Barton, Carter, Cheatwood, Cooley, Gafford, Gilmer, Harvey, Johnson (Roy), Moore, Naramore, Olive, Patton, Rains, Sasser, Seibels, Smith (C), Starkey, Trammell and Zoghby.

—19

*Nays:*

Reps. Adams (C), Bedsole, Bennett, Cates, Cosby, Daniels, Dixon, Edwards, Grouby, Harper (T), Holley, Holmes, Horn, Howard, Laird, Langford, Lewis, McKee, McMillan, Minus, Owens, Patton, Payne, Penry, Roberts, Stewart, Tucker, Turner, Venable, Waggoner, Ward, Whatley, Williams and Wyatt.

—34

#### SUBSTITUTE ADOPTED

The question was again on the adoption of the substitute offered by Rep. Dixon to the bill, S. 221, and the substitute was adopted.

Yeas 48; Nays 7.

*Yeas:*

Reps. Adams (C), Amari, Bedsole, Bennett, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Daniels, Dixon, Edwards, Grouby, Harper (T), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Kennedy, Langford, Lewis, McKee, McMillan, Minus, Olive, Owens, Payne, Pegues, Penry, Reed,

Roberts, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Tucker, Turner, Venable, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—48

*Nays:*

Reps. Gafford, Gilmer, Johnson (Roy), Moore, Naramore, Patton and Williams.

—7

And the bill, S. 221 as amended, was read a third time at length and passed.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Grouby, Hammett, Harper (T), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Lewis, McKee, McMillan, Minus, Moore, Naramore, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Tucker, Turner, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—63

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 755. To amend Section 8-8-10, Code of Alabama 1975, relating to interest on money judgments and costs, so as to provide further for the rate of interest.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Clark (G), the House concurred in and adopted the Senate amendment to the bill, H. 755, said Senate amendment being as follows:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 8-8-10, Code of Alabama 1975, relating to interest on money judgments and costs, so as to provide further for the rate of interest.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-8-10, Code of Alabama 1975, is hereby amended to read as follows:

"§8-8-10. Judgments for the payment of money, other than costs, if based upon a contract action, bear interest from the day of the cause of action at the same rate of interest as stated in said contract; all other judgments shall bear interest at the rate of twelve (12) percent per annum, the provisions of Section 8-8-1 of the Code of Alabama 1975 to the contrary notwithstanding; provided, that fees allowed a trustee, executor, administrator or attorney and taxed as a part of the cost of the proceeding shall bear interest at a like rate from the day of entry."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 50; Nays 6.

*Yeas:*

Reps. Adams (C), Amari, Bedsole, Bennett, Campbell, Carter, Cates, Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Edwards, Gafford, Gilmer, Grouby, Harper (T), Harvey, Higginbotham, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McMillan, Minus, Moore, Owens, Patton, Pegues, Penry, Rains, Roberts, Sandusky, Sasser, Shoemaker, Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—50

*Nays:* Reps. Escott, Holley, Jackson, Johnson (Roy), Reed and Tucker. —6

And the bill, H. 755 as amended, was again read at length and passed.

Yeas 57; Nays 7.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Edwards, Gafford, Gilmer, Grouby, Harper (T), Higginbotham, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Roberts, Sandusky, Sasser, Shoemaker, Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—57

*Nays:*

Reps. Escott, Holley, Jackson, Johnson (Roy), Nevett, Reed and Smith (C).

—7

#### MESSAGE FROM SECRETARY OF STATE

Pursuant to H. J. R. 166, Honorable Don Siegelman, Secretary of State, returned the bill, S. 32, Act 81-889, along with the enrolled copy, and the following Message:

April 19, 1982

To The House of Representatives:

After thorough consideration, and in deference to the request set forth in H. J. R. 166, I am returning herewith Act 81-889, which proposes the so-called "budget isolation" Constitutional Amendment. Although it was a



Senate bill which became Act 81-889, I am returning the document to the House of Representatives, which originated the recall resolution.

The recall of the Constitutional Amendment, proposed in a previous session of the Legislature but yet to be voted on by the people, is an event which has not heretofore occurred in Alabama history. Our actions in this matter will establish precedents by which others will be guided should these circumstances recur in future years.

Because the Office of the Secretary of State is entrusted with primary responsibilities with regard to the conduct of Alabama elections, it is particularly important that the Secretary of State not take lightly an action which might have the effect of denying the people the opportunity to vote on a major public policy question. Viewed in this light, the need for the considerable caution exercised in this matter is readily apparent.

Thirty-seven years have passed since the Legislature last recalled a proposed Constitutional Amendment. In 1945, an amendment was recalled in the same session, indeed on the same day, that it was proposed. An examination of the original document reveals that the joint resolution used to recall the proposed amendment was not presented to, and was not signed by, the Governor. The authority of the Legislature to recall this amendment was upheld by an Opinion of the Justices, No. 92, issued by the Supreme Court of Alabama on March 30, 1949. The Justices stated, "We know of no reason why the Legislature, while still in session, could not recall [the proposed amendment] from the Secretary of State for further consideration and amendment".

The 1917 case of *Jones v. McDade*, 200 Ala. 230, 75 So. 988 (1917), lends support to the contention that matters relating to the submission of Constitutional Amendments do not require the signature of the Governor. The Court ruled in this case that, "with respect to the submission to the electorate of propositions for the amendment of the organic law . . . Section 287 provides that neither the 'act or resolution' so evincing the judgement for the approval of the Governor, but shall be valid without his approval." This decision also opens the door to the possibility of legislative recall of a proposed amendment by clearly distinguishing between a proposed amendment and a statute: Unlike a statute, an amendment is proposed by the Legislature "for the consideration and judgment of the electors at the ballot box . . . and is wholly ineffectual unless the requisite majority of the electorate affirmatively approve the proposition so submitted."

While there has been no judicial determination regarding the question of recall of an amendment proposed in a previous session, the court has ruled that the Legislature may alter the date set for voting upon a proposed amendment to the Constitution at a session subsequent to the one at which the date was originally established. In the opinion of the Justices, No. 177, issued by the Supreme Court of Alabama on July 23, 1963, the Justices stated that "We see no constitutional impediment in the same Legislature at this succeeding Regular Session changing the date for holding the election on the proposed amendment". When one considers that the dates for amendment elections are typically set by the same act proposing the amendment, a case can be made that the Legislature has the authority to amend a proposed Constitutional Amendment in a subsequent session, as long as it is the "same Legislature".

On numerous occasions, the court has held that "legislative details" are not critical if constitutional requirements are met "in substance and legal effect". "To hold otherwise", observed the Court in *Realty Investment Co. v.*

City of Mobile, 181 Ala. 184, 61 So. 248, 249 (1913), "would subordinate substance to form, the end to the means, and this, we think, the framers of the Constitution did not intend".

It is the opinion of the Governor that Section 125 of the Alabama Constitution requires that all joint resolutions must be presented for his approval and signature. While this may be technically correct, the fact that a joint resolution was chosen as the mechanism for recalling the Constitutional Amendment might be considered a "legislative detail" within the prerogative of the Legislature under its authority to "determine its own rules" as provided in Section 53 of our Constitution.

While there are numerous legal arguments to be made in support of the Governor's position, reading the above cited cases and opinion together has led me to the decision to return Act 81-889 to the Alabama Legislature.

The Secretary of State is the custodian of the original Acts of the Legislature, and must take great care that these important public records are preserved. As I return this document to you, I do so with the awareness that Act 81-889 has already been published as a part of the bound Acts of Alabama, 1981, First Special Session. In addition, whatever the ultimate disposition of this proposed Constitutional Amendment, I trust that it will be returned to the Office of Secretary of State within 10 days after the adjournment of the current session pursuant to the requirements of §29-1-14, §29-1-15, §29-1-16 and §36-14-1.

Sincerely,

DON SIEGELMAN,  
Secretary of State.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Smith (J) to suspend the rules in order to take up out of order the bill, S. 300, was lost, lacking a four-fifths vote.

Yeas 43; Nays 13.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Bowling, Buskey, Carter, Cates, Clark (W), Cosby, Crow, Dial, Gafford, Hall, Harper (T), Holmes, Jackson, Johnson (R. G.), Kennedy, Langford, Lewis, Minus, Moore, Naramore, Patton, Pegues, Reed, Roberts, Sandusky, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Tucker, Venable, Waggoner, Ward, Whatley, Williams and Zoghby.

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*Nays:*

Reps. Gilmer, Hammett, Holley, Howard, Johnson (Roy), McMillan, Olive, Payne, Penry, Rains, Smith (C), Turner and Wyatt.

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#### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the

date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:35 P.M. on April 20, 1982.

H. 751

H. J. R. 350

H. J. R. 351

H. J. R. 354

H. J. R. 366

H. J. R. 359

H. J. R. 360

H. 153

Delivered to the Governor at 3:35 P.M. on April 20, 1982.

H. 151

H. 165

Delivered to the Governor at 4:55 P.M. on April 20, 1982.

H. 306

H. 373

H. 437

H. 601

H. 688

H. 710

H. 738

H. 739

H. 753

H. 763

H. 766

H. 772

H. 805

H. 806

H. 808

Delivered to the Secretary of State at 4:55 P.M. on April 20, 1982.

H. 689 (Constitutional Amendment)

Delivered to the Governor at 4:55 P.M. on April 20, 1982.

H. 814

Delivered to the Governor at 5:35 P.M. on April 20, 1982.

H. 769

H. 773

H. J. R. 383

H. 523

H. 544

H. 663

H. 673

H. 665

H. 712

H. 727

H. 749

H. 750

Delivered to the Governor at 9:45 P.M. on April 20, 1982.

H. 70

H. 201

H. 300

H. 509

H. 585

H. 501

H. 542

H. J. R. 335

H. J. R. 337

H. J. R. 365

H. J. R. 372

H. 552

H. 697

Delivered to the Governor at 10:25 P.M. on April 20, 1982.

H. 80

H. 154

H. 155

H. 156

H. 158

H. 397

H. 150

CERTIFICATE OF CLERK

Delivered to the Secretary of State at 9:10 A.M. on April 21, 1982.

H. 161. (Veto—Governor's objections to the contrary notwithstanding).

JOHN W. PEMBERTON,

ADJOURNMENT

Clerk.

On motion of Rep. Owens and pursuant to the resolution, H. R. 368, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Monday, April 26, 1982.

Yeas 48; Nays 34.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Boles, Campbell, Carothers, Cates, Clark (G), Clark (W), Cobb, Cooley, Crow, Dixon, Edwards, Gilmer, Grimsley, Grouby, Hall, Harper (T), Harrison, Harvey, Holmes, Howard, Jackson, Kennedy, Langford, Lewis, McKee, Manley, Minus, Naramore, Owens, Pegues, Rains, Riddick, Sasser, Shavers, Smith (M), Stout, Trammell, Tucker, Turner, Turnham, Ward, Warren, Whatley, Williams and Willis.

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*Nays:*

Reps. Amari, Bedsole, Bennett, Buskey, Carter, Cheatwood, Coburn, Cosby, Daniels, Dial, Escott, Goodwin, Higginbotham, Holley, Horn, Johnson (R. G.), Johnson (Roy), Letson, McMillan, Olive, Patton, Payne, Penry, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Venable, Waggoner, Wyatt and Zoghby.

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THIRTIETH DAY

House of Representatives  
Montgomery, Alabama  
Monday, April 26, 1982

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. John Baxter, Minister, Pintala United Methodist Church, Hope Hull, Alabama

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss,

Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-ninth legislative day and finds the same to be correct.

JACK BIDDLE, III,  
Chairman.

On motion of Rep. Biddle, the rules were suspended and the reading at length of the Journal of the House for the twenty-ninth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-ninth legislative day was approved.

### REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 243. URGING THE AUBURN BOARD OF TRUSTEES TO CONSIDER NAMING A BUILDING ON CAMPUS FOR ROBERT BRYANT STRONG.

On motion of Rep. Biddle, the resolution, S. J. R. 243, was adopted.

Also:

H. R. 385. RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

On motion of Rep. Biddle, the resolution, H. R. 385, was adopted.

Also:

H. J. R. 386. RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

On motion of Rep. Biddle, the resolution, H. J. R. 36, was adopted.

Also:

H. R. 390. RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

On motion of Rep. Biddle, the resolution, H. R. 390, was adopted.

Also:

S. J. R. 246. REQUESTING THE STATE DEPARTMENT OF REVENUE TO IMMEDIATELY CEASE COLLECTION OF STATE SALES TAX ON FEES CHARGED BY PUBLIC GOLF COURSES.

On motion of Rep. Biddle, the resolution, S. J. R. 246, was adopted.

Also:

S. J. R. 268. ENCOURAGING THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BIRMINGHAM TO USE ANY UNPLEDGED NEW MONEY COMING IN UNDER THE RECENTLY ENACTED LEVELIZED BEER TAX TO PAY CITY EMPLOYEE PAY RAISES AND LONGEVITY PAY.

On motion of Rep. Biddle, the resolution, S. J. R. 268, was adopted.

## RESOLUTIONS

The following resolutions were introduced:

By Rep. Biddle:

H. J. R. 399. COMMENDING JOSEPH F. VOLKER, CHANCELLOR, UNIVERSITY OF ALABAMA.

WHEREAS Joseph F. Volker came to Alabama in 1948 and has served the University of Alabama and the State of Alabama in positions of increasing responsibility for the past thirty-four years; and

WHEREAS this native of New Jersey has made Alabama, its history and its people his own, working diligently and imaginatively toward the improvement and greater availability of higher education in the State and to bring a better quality of health care to its citizens, and is considered as one of Alabama's finest and most valued sons; and

WHEREAS his contributions as a scientist and educator have been recognized by decorations from the countries of Czechoslovakia, Thailand and Iceland, and by citations of honorary degrees from 14 universities and professional societies in the United States and abroad; and

WHEREAS he currently serves in a number of prestigious posts involving advisory committees of major universities and foundations, and as a member of the National Institute of Medicine and the National Board of Medical Examiners; and

WHEREAS the heady affairs of State and the grave responsibilities of leadership have never detracted Dr. Volker from his affinity to and fondness for the student and the researcher, and even today he spends a significant part of his time counseling young or new students, professors and scientists, urging them to push themselves to the limit of their capacities, and holding before them the excitement and wonder of exploration and growth, all for the good of mankind; and

WHEREAS perhaps the most significant contribution of Dr. Volker to the people of Alabama is not his many personal and direct actions, but is his ability to attract and bring to this State nationally and internationally acclaimed talent; and

WHEREAS Dr. Volker, through tireless and unselfish dedication to education, health care, scientific investigation and economic development, has had a profound and positive effect upon the quality of life in Alabama;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Alabama, both houses thereof concurring, that the Legislature, on behalf of itself and the people of Alabama, recognizing Alabama's good fortune in the sharing of his talents, expresses its appreciation, admiration and respect to this outstanding educator, and wishes for him continued success, good health, and happiness.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to our good friend, Joe, and to the Board of Trustees of the University of Alabama.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 399, was adopted.

Also:

By Rules Committee:

H. R. 400. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 26, 1982, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

By Mr. Lemaster:

S. 341 p. 12 Firefighters, license plates

By Mr. Mitchem:

S. 379 p. 18 Board of water and sewer

By Mr. Teague:

S. 300 p. 40 Supreme Court, additional attorneys

By Mr. deGraffenried:

S. 267 p. 15 Hunting, nighttime

By Mr. deGraffenried:

S. 269 p. 15 Hunting, daytime on lands of another

By Mr. deGraffenried:

S. 270 p. 16 Hunting, nighttime on lands of another



By Mr. deGraffenried:

S. 266 p. 14 Hunting, public roads

By Mr. Mitchem:

S. 477 p. 44 Ala. Housing Authority

By Mr. Pearson:

S. 322 p. 32 C/A, Industrial site projects

By Mr. McDonald:

S. 312 p. 51 Madison Co., burned out school

By Mr. Cook:

S. 365 p. 41 State Docks employees, retirement

By Mr. Callahan:

S. 468 p. 58 C/A, one county amendments

By Mr. McDonald:

S. 377 p. 19 Retired law enforcement officers, guns

By Mr. Teague:

S. 193 p. 12 Banking, need not use "Inc."

By Mr. Denton:

S. 39 p. 9 Eleventh Judicial Circuit

By Mr. Vacca:

S. 66 p. 57 Drivers education

By Mr. Miller:

S. 56 p.2 Unclaimed Property Act

By Mr. Harrison:

S. 514 p. 56 Letters of Credit, securities

By Mr. Holmes:

S. 386 p. 43 Stringfellow Memorial Hosp.

By Mr. Parsons:

S. 86 p. 26 State Personnel Board, composition

By Mr. Vacca:

S. 211 p. 33 Bank investigators

By Mr. Taylor:

S. 188 p. 23 P. & S. , adoption rules

By Mr. Martin:

S. 36 p. 1 Council-mayor form of government

By Mr. Bailey:

S. 446 p. 47 Court reporters, salary

By Mr. deGraffenried:

S. 55 p. 6 Contracts, covenants

By Mr. St. John:

S. 8 p. 25 Physical Therapy, appropriation

By Mr. Keener:

S. 462 p. 35 Municipal property.

By Mr. Bailey:

S. 62 p. 10 Voluntary dental insurance

By Mr. Proctor:

S. 337 p. 41 State funded scholarships

By Mr. Callahan:

S. 453 p. 60 District Attorneys

By Mr. Martin:

S. 236 p. 38 Boards of Registrars

By Mr. Parsons:

S. 2 p. 45 Schools, property damage

By Mr. Mitchem:

S. 44 p. 37 Kate Duncan Smith School, insurance

By Mr. Gullledge:

S. 215 p. 7 Consumer Protection Council

By Mr. Callahan:

S. 276 p. 3 Transportation companies

By Mr. Callahan:

S. 422 p. 45 Probate judges, compensation

By Mr. White:

S. 387 p. 46 County Commissioners

By Mr. White:

S. 109 p. 54 Tax Assessors and Collectors

By Mr. White:

S. 110 p. 54 C/A, Tax assessors and collectors

By Mr. Goodwin:

S. 395 p. 52 ABC Board, fund for inventory

By Mr. Goodwin:

S. 275 p. 29 Charitable deductions, leukemia

By Mr. Goodwin:

S. 405 p. 30 Competitive bid laws

By Mr. Bailey:

S. 102 p. 4 Life and Disability Insurance

By Mr. Kirkland:

S. 158 p. 27 Non-capital felony cases

By Mr. Barron:

S. 225 p. 38 South Ala. State Fair

By Mr. Proctor:

S. 179 p. 27 Code of Alabama, incorporate laws

By Mr. Gullett:

S. 333 p. 56 Trusts

By Mr. Keener:

S. 82 p. 25 State agencies, liability insurance

By Mr. Higginbotham:

S. 242 p. 23 Schools, recruiting for military

By Mr. Mitchem:

S. 379 p. 18 Board of water and sewer

By Mr. Little:

S. 246 p. 21 Child Labor Act

By Mr. Keener:

S. 222 p. 46 Civil appeals, additional judges

By Mr. Harrison:

S. 295 p. 47 Fifteenth Judicial Circuit

By Mr. Cook:

S. 439 p. 48 Tenth Judicial Circuit

By Mr. Callahan:

S. 226 p. 5 Unitization agreements

By Mr. Higginbotham:

S. 68 p. 3 School bus drivers

By Mr. Little:

S. 245 p. 18 Rural waterwork systems

By Mr. Lemaster:

S. 369 p. 13 Animals and articles of another

By Mr. Hall:

S. 27 p. 11 Vacations, non-teachers

By Mr. Little:

S. 244 p. 53 Ala. Vocational Ass'n

By Mr. Teague:

S. 537 p. 56 Insurance, psychologists

By Mr. Denton:

S. 43 p. 8 Acts distribution

By Mr. Taylor:

S. 98 p. 6 Counties, State Local Assistance Act

By Mr. Goodwin:

S. 198 p. 10 Local school board

By Mr. Vacca:

S. 212 p. 16 Municipal utility systems

By Mr. Vacca:

S. 213 p. 17 Municipal utility systems

On motion of Rep. Biddle, the resolution, H. R. 400, was temporarily postponed.

### BILLS ON THIRD READING

And the bill:

S. 509. Relating to Shelby County; to provide for an additional expense allowance for the Commission Chairman.

Was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

Mr. Speaker, Biddle, Brakefield, Carter, Cates, Clark (G), Coburn, Cosby, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Higginbotham, Johnson (R. G.), Kelley, Manley, Moore, Owens, Pegues, Ray, Reed, Seibels, Shoemaker, Smith (C), Starkey, Turner, Waggoner and Ward.

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### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### S. 163 INDEFINITELY POSTPONED

On motion of Rep. Cheatwood, the bill:

S. 163. (With Substitute): Relating to Jefferson County; to provide certain health benefits to Jefferson County Pension System members who have retired on a superannuation or disability until said member reaches eligibility for Medicare and/or Medicaid.

Was indefinitely postponed.

S. 518 TEMPORARILY POSTPONED

On motion of Rep. Stout, the bill, S. 518, was temporarily postponed.

S. 519 TEMPORARILY POSTPONED

On motion of Rep. Stout, the bill, S. 519, was temporarily postponed.

And the bill:

S. 502. (With Amendment): Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend S. 502 as follows:

On page 2, Section 2, on line 7, after the word "legislature" add the following:

and as provided by this section.

On page 2, Section 2, after the period, add the following new language:

This Act shall become effective upon the adoption of this amendment to the Constitution of Alabama of 1901; provided, however, that the provisions of this amendment shall not become operative in Pike County unless approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose upon call of the county commission. Such election may be called no more frequently than every two years; provided further, that if this amendment is approved by a majority of the qualified electors of Pike County who vote thereon upon its submission, such election shall constitute a referendum election held for such purpose and no further election need be called.

And the amendment was adopted.

Yeas 32; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bennett, Bowling, Brakefield, Carter, Clark (G), Cobb, Cosby, Dixon, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harvey, Johnson (R. G.), Kelley, Manley, Minus, Moore, Naramore, Pegues, Ray, Reed, Seibels, Smith (J), Starkey, Ward, Whatley and Willis.

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 502 as amended, was read a third time at length and passed.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Higginbotham, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

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And the bill:

S. 545. Relating to Franklin County; providing further for the compensation of the probate judge and providing for an effective date.

Was read a third time at length and passed.

Yeas 36; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Amari, Bennett, Bowling, Brakefield, Carter, Cheatwood, Clark (G), Cobb, Coburn, Ford, Goodwin, Grouby, Hall, Hammett, Harper (O), Harvey, Higginbotham, Johnson (R. G.), Lewis, Manley, Minus, Naramore, Reed, Riddick, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Ward, Whatley, Willis and Wyatt.

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## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 546. To propose an amendment to the Constitution of Alabama of 1901 relating to court costs and the compensation of the judge of probate of Franklin County.

Was read a third time at length and passed.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Daniels, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Higginbotham, Hines, Kelley, Kennedy, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Whatley, Willis and Wyatt.

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#### S. 534 INDEFINITELY POSTPONED

On motion of Rep. Waggoner, the bill:

S. 534. Relating to Jefferson County; providing further for an additional expense allowance of the tax assessor, payable from the general fund of the county; providing for retroactive effect and an expiration date.

Was indefinitely postponed.

And the bill:

S. 527. To amend subsection (e) of Section 14 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pages 717-739) which said Act No. 497 established a pension system for officers and employees of Jefferson County, which said Section 14 was last amended by Act No. 1060 of the Regular Session of the Legislature of Alabama of 1981.

Was read a third time at length and passed.

Yeas 38; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Ford, Gafford, Goodwin, Hall, Higginbotham, Johnson (R. G.), Kelley, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Reed, Seibels, Smith (J), Starkey, Stewart, Stout, Trammell, Waggoner, Ward, Whatley, Willis and Wyatt.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 532. Relating to Barbour County; to provide further for the expense allowance of the coroner.

Was read a third time at length and passed.

Yeas 41; Nays 0.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Bowling, Brakefield, Buskey, Cheatwood, Clark (G), Cobb, Crow, Edwards, Escott, Ford, Grimsley, Hall, Harper (O), Harper (T), Higginbotham, Johnson (R. G.), Kennedy, Manley, Naramore, Olive, Owens, Parker, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 520. Relating to the Town of Loxley in Baldwin County; authorizing the Town of Loxley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Was read a third time at length and passed.

Yeas 42; Nays 0.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Cobb, Crow, Edwards, Goodwin, Grimsley, Harper (T), Higginbotham, Hines, Horn, Johnson (R. G.), Kennedy, McMillan, Minus, Moore, Naramore, Olive, Parker, Penry, Reed, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Warren, Whatley, Willis, Wyatt and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RESOLUTION

The following resolution was introduced:

By Reps. Boles, Cheatwood, Payne, Escott, Olive, Trammell, Moore, Seibels, Lewis, Waggoner, Bennett, Amari, Howard, Gafford and Biddle:



H. J. R. 401. COMMENDING REVEREND GEORGE HAYWOOD ON THE 101ST ANNIVERSARY OF HIS BIRTH.

WHEREAS, it is with a sense of great happiness that the Alabama Legislature notes the upcoming 101st birthday of The Reverend George Haywood of Pleasant Grove, Alabama, on May 15, 1982; and

WHEREAS, born on May 15, 1881, in West Bromwich, England, Reverend Haywood moved to Birmingham, Alabama, in 1916 and became a steel worker and a Methodist minister; and

WHEREAS, throughout his life he has dedicated himself to service of others and the betterment of mankind; and

WHEREAS, The Reverend Haywood is the loving and devoted father of one daughter, Mrs. Gladys Womble of Pleasant Grove, Alabama, the proud grandfather of three grandchildren, and has six great grandchildren; and

WHEREAS, his numerous contributions to the people of the community have endeared him to all with whom he has come into contact; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate The Reverend George Haywood on the 101st anniversary of his birth on May 15, 1982.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to The Reverend Haywood as evidence of our high esteem and warm personal regard.

On motion of Rep. Boles, the rules were suspended and the resolution, H. J. R. 401, was adopted.

#### H. R. 400 AGAIN TAKEN UP

The resolution, H. R. 400, which previously was temporarily postponed, was again taken up.

#### SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the resolution, H. R. 400:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 26, 1982, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

By Mr. Lemaster:

S. 341 p. 12 Firefighters, license plates

By Mr. Mitchem:

S. 379 p. 18 Board of water and sewer

By Mr. Teague:

S. 300 p. 40 Supreme Court, additional attorneys

By Mr. Kirkland:

S. B. 195 p. 55 Support Personnel

By Mr. deGraffenried:

S. 267 p. 15 Hunting, nighttime

By Mr. deGraffenried:

S. 269 p. 15 Hunting, daytime on lands of another

By Mr. deGraffenried:

S. 270 p. 16 Hunting, nighttime on lands of another

By Mr. deGraffenried:

S. 266 p. 14 Hunting, public roads

By Mr. Mitchem:

S. 477 p. 44 Ala. Housing Authority

By Mr. Pearson:

S. 322 p. 32 C/A, Industrial site projects

By Mr. McDonald:

S. 312 p. 51 Madison Co., burned out school

By Mr. Cook:

S. 365 p. 41 State Docks employees, retirement

By Mr. Callahan:

S. 468 p. 58 C/A, one county amendments

By Mr. McDonald:

S. 377 p. 19 Retired law enforcement officers, guns

By Mr. Teague:

S. 193 p. 12 Banking, need not use "Inc."

By Mr. Denton:

S. 39 p. 9 Eleventh Judicial Circuit

By Mr. Vacca:

S. 66 p. 57 Drivers education

By Mr. Miller:

S. 56 p. 2 Unclaimed Property Act

By Mr. Harrison:

S. 514 p. 56 Letters of Credit, securities

By Mr. Holmes:

S. 386 p. 43 Stringfellow Memorial Hosp.

By Mr. Parsons:

S. 86 p. 26 State Personnel Board, composition

By Mr. Vacca:

S. 211 p. 33 Bank investigators

By Mr. Taylor:

S. 188 p. 23 P. & S., adoption rules

By Mr. Martin:

S. 36 p. 1 Council-mayor form of government

By Mr. Bailey:

S. 446 p. 47 Court reporters, salary

By Mr. deGraffenried:

S. 55 p. 6 Contracts, covenants

By Mr. St. John:

S. 8 p. 25 Physical Therapy, appropriation

By Mr. Keener:

S. 462 p. 35 Municipal property

By Mr. Bailey:

S. 62 p. 10 Voluntary dental insurance

By Mr. Proctor:

S. 337 p. 41 State funded scholarships

By Mr. Callahan:

S. 453 p. 60 District Attorneys

By Mr. Martin:

S. 236 p. 38 Boards of Registrars

By Mr. Parsons:

S. 2 p. 45 Schools, property damage

By Mr. Mitchem:

S. 44 p. 37 Kate Duncan Smith School, insurance

By Mr. Gullledge:

S. 215 p. 7 Consumer Protection Council

By Mr. Callahan:

S. 276 p. 3 Transportation companies

By Mr. Callahan:

S. 422 p. 45 Probate judges, compensation

By Mr. White:

S. 387 p. 46 County Commissioners

By Mr. White:

S. 109 p. 54 Tax Assessors and Collectors

By Mr. White:

S. 110 p. 54 C/A, Tax assessors and collectors

By Mr. Goodwin:

S. 395 p. 52 ABC Board, fund for inventory

By Mr. Goodwin:

S. 275 p. 29 Charitable deductions, leukemia

By Mr. Goodwin:

S. 405 p. 30 Competitive bid laws

By Mr. Bailey:

S. S. 102 p. 4 Life and Disability Insurance

By Mr. Kirkland:

S. 158 p. 27 Non-capital felony cases

By Mr. Barron:

S. 225 p. 38 South Ala. State Fair

By Mr. Proctor:

S. 179 p. 27 Code of Alabama, incorporate laws

By Mr. Gullledge:

S. 333 p. 56 Trusts

By Mr. Keener:

S. 82 p. 25 State agencies, liability insurance

By Mr. Higginbotham:

S. 242 p. 23 Schools, recruiting for military

By Mr. Mitchem:

S. 379 p. 18 Board of water and sewer

By Mr. Little:

S. 246 p. 21 Child Labor Act

By Mr. Keener:

S. 222 p. 46 Civil appeals, additional judges

By Mr. Harrison:

S. 295 p. 47 Fifteenth Judicial Circuit

By Mr. Cook:

S. 439 p. 48 Tenth Judicial Circuit

By Mr. Callahan:

S. 226 p. 5 Unitization agreements

By Mr. Higginbotham:

S. 68 p. 3 School bus drivers

By Mr. Little:

S. 245 p. 18 Rural waterwork systems

By Mr. Lemaster:

S. 369 p. 13 Animals and articles of another

By Mr. Hall:

S. 27 p. 11 Vacations, non-teachers

By Mr. Little:

S. 244 p. 53 Ala. Vocational Ass'n

By Mr. Teague:

S. 537 p. 56 Insurance, psychologists

By Mr. Denton:

S. 43 p. 8 Acts distribution

By Mr. Taylor:

S. 98 p. 6 Counties, State Local Assistance Act

By Mr. Goodwin:

S. 198 p. 10 Local school board

By Mr. Vacca:

S. 212 p. 16 Municipal utility systems

By Mr. Vacca:

S. 213 p. 17 Municipal utility systems

SUBSTITUTE TABLED

On motion of Rep. Sasser, the substitute offered by Rep. Holley to the resolution, H. R. 400, was tabled.

Yeas 44; Nays 39.

*Yeas:*

Reps. Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Dial, Dixon, Gafford,

Hammett, Harper (T), Hines, Kelley, Laird, Lewis, McMillan, Manley, Moore, Olive, Parker, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

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*Nays:*

Reps. Albright, Boles, Brakefield, Buskey, Carter, Cheatwood, Coburn, Crow, Drinkard, Edwards, Escott, Ford, Goodwin, Grouby, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Minus, Mitchell, Naramore, Owens, Rains, Reed, Shavers, Shoemaker, Smith (C), Smith (M), Stout, Trammell, Turner, Warren and Wyatt.

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#### H. R. 400 ADOPTED

The question was then on the adoption of the resolution, H. R. 400, offered by the Standing Committee on Rules, and on motion of Rep. Biddle, the resolution was adopted.

#### MOTION IN WRITING FILED

Rep. Carothers filed the following Motion in Writing:

Having voted on the prevailing side by which the vote was taken to non concur in the Senate Amendment to H. 108 and a Conference Committee be appointed, I move to reconsider that vote.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 369. COMMENDING SEMINOLE ELECTRIC COOPERATIVE, INC. FOR ITS CONTRIBUTION TO THE ECONOMIC DEVELOPMENT OF ALABAMA.

Also:

H. J. R. 375. COMMENDING THE FIRST BAPTIST CHURCH OF OPP, ALABAMA, ON THE 80TH ANNIVERSARY OF ITS FOUNDING.

Also:

H. J. R. 376. COMMENDING MISS KAY IVEY FOR OUTSTANDING SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 377. COMMENDING SENIOR FORWARD CHRIS GILES OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM BLAZERS.

Also:

H. J. R. 379. ENCOURAGING THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BIRMINGHAM TO USE ANY UNPLEDGED

NEW MONEY COMING IN UNDER THE RECENTLY ENACTED  
LEVELIZED BEER TAX TO PAY CITY EMPLOYEE PAY RAISES AND  
LONGEVITY PAY.

Also:

H. J. R. 381. MOURNING THE DEATH OF MRS. MARY JANE  
WOOLFOLK OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 382. HONORING MR. GEORGE G. McFADEN.

Also:

H. J. R. 388. COMMENDING MRS. ERIE H. MEYER.

Also:

H. J. R. 391. ACKNOWLEDGING THE GRATITUDE OF THE  
ALABAMA LEGISLATURE TO THE SECRETARIES ON THE HOUSE  
AND SENATE STAFF.

Also:

H. J. R. 392. DESIGNATING THE WEEK OF JULY 11-17, 1982,  
AS NATIONAL COUNTRY-GOSPEL MUSIC WEEK IN ALABAMA.

Also:

H. J. R. 393. ACKNOWLEDGING THE GRATITUDE OF THE  
ALABAMA LEGISLATURE TO THE PORTERS ON THE HOUSE AND  
SENATE STAFF.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 9. To validate, in certain cases, port authorities attempted to be incorporated under the provisions of Act No. 80-647 adopted at the 1980 Regular Session of the Legislature of Alabama (Sections 11-94-1 et seq. of the Code of Alabama 1975, as amended) and invalid because of any irregularity in the procedure for incorporation.

Also:

H. 134. To amend Section 40-17-220, Code of Alabama, 1975, to provide that purchases of gasoline, motor fuel and lubricating oil by postsecondary state institutions shall be exempt from taxation under the levy provided for in Section 40-17-220, Code of Alabama, 1975.

Also:

H. 221. To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail in Alcoholic Beverage Control Board stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed to the counties and municipalities in which the taxes are collected; to provide that the tax proceeds distributed to counties shall be used by those counties for law enforcement purposes unless otherwise provided by local act; and to prohibit any county or municipality which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores.

Also:

H. 618. To amend portions of Section 34-24-230, Code of Alabama, 1975, by the addition of definitions relating to the human foot; and to prescribe the surgical scope of the practice of podiatry.

Also:

H. 633. To provide for the transfer of the property of the Huntsville State Docks to the Huntsville-Madison County Marina and Port Authority.

Also:

H. 565. To create a fund for the Alabama alcoholic beverage control board to be used for inventory purposes by providing that no taxes collected on alcoholic beverages sold by said board or such funds distributed as net profits by said board shall be distributed for at least 25 days by October 1, 1983, for at least 55 days by September 30, 1984, for at least 85 days by September 30, 1985, for at least 115 days by September 30, 1986, for at least 120 days by September 30, 1987 and thereafter, after the close of the month in which said taxes have been collected or such funds distributed as net profits are realized; to provide that any funds now accumulated as a working capital fund or reserve shall be distributed to the several beneficiaries on the same basis as withheld; to provide that all laws or parts of laws in conflict or inconsistent herewith are repealed; to provide an effective date.

Also:

H. 640. To create mine rescue stations within the State of Alabama as a part of the Division of Safety and Inspection of the Department of Industrial Relations; to provide for the location, training, compensation, benefits, qualifications and employment status of said station members; and to provide requirements of recovery work.



Also:

H. 687. To amend Section 40-18-19, so as to provide that the retirement pay of certain peace officers shall be exempt from state and local income tax the same as retirement pay of school teachers, state employees and civil service retirees.

Also:

H. 725. To withdraw from incorporated municipalities the power to enact an ordinance outlawing or taxing the possession or ownership of handguns.

Also:

H. 755. To amend Section 8-8-10, Code of Alabama 1975, relating to interest on money judgments and costs, so as to provide further for the rate of interest.

Also:

H. 265. To provide that any justice or judge of the supreme court or a court of appeals or any circuit court judge who was holding office with such court on or before June 1, 1976, and who had time of service as a full-time state prosecutor or assistant prosecutor, or who had time of service as an attorney for the state milk control board, may have such service credited as time in a judicial position with the Judicial Retirement System; to provide that such credit shall be limited to 5 years; to provide that any such justice or judge must pay into the Judicial Retirement Fund a sum equal to 6% of his then annual salary for each year of such credit desired; and to further provide a one-year period in which such election and purchase shall be completed.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman,

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 777. To repeal Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991); and Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) providing for minimum compensation for Deputy Sheriffs in Mobile County; to fix such compensation at the amounts hereinafter included in this Act and to provide that subsequent salary increases for such Deputy Sheriffs be equal to any such increases given other Mobile County employees.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### BILLS ON THIRD READING RESUMED

And the bill:

S. 418. To regulate the practice of Interior Design; to provide for the registration of qualified persons as professional Interior Designers; to create the Alabama State Board of Registration for Interior Designers; to provide for the appointment of its members; to fix the term of the members of the Board and to define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish the Interior Designer Fund; and to provide for the enforcement of this Act.

As amended and temporarily postponed on the twenty-ninth legislative day, was taken up.

#### MOTION TO POSTPONE

Rep. Gafford offered the motion to postpone consideration of the bill, S. 418, until 11:55 o'clock p.m.

#### SUBSTITUTE MOTION TO PASS BILL

Rep. Cabaniss offered the substitute motion for favorable passage of the bill, S. 418.

#### MOTION TO TABLE LOST

The motion offered by Rep. Gafford to table the substitute motion to pass the bill, S. 418 as amended, was lost.

Yeas 13; Nays 58.

*Yeas:*

Reps. Albright, Blake, Bowling, Edwards, Gafford, Hall, Hammett, Harrison, Holley, Laird, Langford, McKee and Venable.

—13

*Nays:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Cobb, Cosby, Dixon, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Harper (T), Higginbotham, Hines, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (J),

Starkey, Stewart, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—58

And the bill, S. 418 as amended, was read a third time at length and passed.

Yeas 76; Nays 5.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Cosby, Daniels, Dial, Dixon, Drinkard, Escott, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—76

*Nays:* Reps. Holley, Howard, Laird, Langford and McKee.

—5

#### RESOLUTION

The following resolution was introduced:

By Reps. Cosby, Bedsole, Lewis, Pegues, Harrison, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 402. PROPOSING THE ENDORSEMENT OF MRS. JEAN SULLIVAN OF SELMA, ALABAMA, TO BE THE FEDERAL CO-CHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION OF THE UNITED STATES OF AMERICA.

WHEREAS, there is a vacancy in the position of Federal Co-Chairman for the Appalachian Regional Commission; and

WHEREAS, all Appalachian State Governors have expressed confidence in the ability of Mrs. Jean Sullivan of Selma, Alabama, and add their endorsement to her appointment for this position; and

WHEREAS, it is extremely important that someone from the Appalachian Region be selected to head this important Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on behalf of the people of Alabama, we hereby urge the endorsement of Mrs. Jean Sullivan for the position of Federal Co-Chairman of the Appalachian Regional Commission by all elected officials of this state.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Mrs. Jean Sullivan and to Alabama's Congressional Delegation.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 402, was adopted.

### BILLS ON THIRD READING RESUMED

And the bill:

S. 536 (With Substitute): To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Madison in said County to regulate and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises, and providing for penalties.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 4, said committee substitute being as follows:

### A BILL TO BE ENTITLED AN ACT

To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Madison in said County to regulate and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide for the reclassification of existing retail beer and retail liquor licenses to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to regulate the hours of retail liquor and retail beer establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises, and providing for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm, corporation, or association to sell or offer for sale alcoholic beverages in Madison County except at Alabama Alcoholic Beverage Control Liquor Stores, and at alcoholic beverage establishments located within the corporate limits or the

police jurisdiction of the City of Madison in Madison County and licensed by the general laws of the State of Alabama, unless the sales of such alcoholic beverages are otherwise allowed by law.

Section 2. It shall be unlawful for any person, firm, corporation, or association to sell or offer to sell beer in Madison County, Alabama, except licensees of the Alcoholic Beverage Control Board of the State of Alabama. Provided, however, that any wholesaler, or retailer licensed to sell beer shall also be authorized to sell draft beer.

Section 3. The governing body of the City of Madison, Alabama shall have the power to establish reasonable hours of sale each day of the week for alcoholic beverages sold within the corporate limits or the police jurisdiction thereof.

Section 4. It shall be the duty of each officer, owner, manager, or person in charge of any retail on premise alcoholic beverage licensed premises in Madison County to immediately make an appropriate report by telephone to the Police Department of the municipality in which the premises are located and to the Madison County Sheriff, of each assault, assault and battery, affray occurring on the licensed premises, which said person is in charge thereof and while said premises are open for business. It shall further be the duty of said person to make a written report of each said incident to the Police Department of the municipality and to the Madison County Sheriff within 36 hours. Failure to make either of said reports shall be grounds for revocation or suspension of the license by the Alabama Alcoholic Beverage Control Board for the operation of said establishment.

Section 5. All local laws or parts of local laws in conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 11; Nays 2.

*Yeas:*

Mr. Speaker, Albright, Cheatwood, Gregg, Grimsley, Hall, Holmes, Seibels, Starkey, Whatley and Willis.

—11

*Nays:* Reps. Riddick and Smith (J).

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### AMENDMENT OFFERED

Rep. Hall offered the following amendment to the bill, S. 536 as amended:

On page 1, Section 2, on line 23, after the language "Provided, however, that" delete the word "any" and insert in lieu thereof: no

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 5; Nays 0.

*Yeas:* Reps. Albright, Gregg, Hall, Holmes and Seibels.

—5

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 536 as amended, was read a third time at length and passed.

Yeas 4; Nays 2.

*Yeas:* Reps. Albright, Gregg, Hall and Smith (M).

—4

*Nays:* Reps. Riddick and Smith (J).

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Langford, Grouby, Wyatt, Dixon, McKee and Holmes:

H. R. 403. MOURNING THE DEATH OF MRS. MILDRED SIMMS WILLIAMS OF MONTGOMERY, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Langford, Grouby, Wyatt, Dixon, McKee and Holmes:

H. J. R. 404. MOURNING THE DEATH OF MRS. MILDRED SIMMS WILLIAMS OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Mildred Simms Williams of Montgomery, Alabama, on April 10, 1982, at the age of 53 years; and

WHEREAS, at the time of her death, Mrs. Williams was a teacher at Head Elementary School and was a noted Montgomery public school educator for the past 25 years; and

WHEREAS, she was a native of College Park, Georgia, a former resident of Selma, Alabama and had resided in Montgomery since her college years at Alabama State University where she earned both her bachelor's and master's degrees and an AA certificate as well; and

WHEREAS, Mrs. Williams was a member of Hutchinson Street Baptist Church where she was a deaconess, youth counselor and a matron; she was a national as well as an Alabama Education Association delegate; she was District 2 Chairman of the MCEA M-Vote committee, a member of MCEA research committee and chairman of Instructional and Professional Development Committee; and

WHEREAS, in past professional service, Mrs. Williams had been chairman of faculty representatives at Head School and vice president, president-elect of the Montgomery Association of Classroom Teachers; and

WHEREAS, she additionally was a former executive board member of the Montgomery County Education Association, was affiliated with Delta Sigma Theta Sorority and was a past officer of Jack and Jill of America Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Mildred Simms Williams and extend our most heartfelt sympathy to her husband, Mr. W. J. Williams, to her sons, Torrence, Norbert, Fehrone and Damund Williams, and other family members to whom a copy of this resolution shall be sent.

On motion of Rep. Langford, the rules were suspended and the resolution, H. J. R. 404, was adopted.

Also:

By Rep. Williams:

H. J. R. 405. COMMENDING MR. CHARLIE GATLIN OF DALEVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, Mr. Charlie Gatlin of Daleville, Alabama, is to be most highly commended for outstanding academic achievement both as a three-year high school honor student and at George C. Wallace Community College where he is currently enrolled in the field of sheet metal work; and

WHEREAS, a graduate of Daleville High School, Charlie Gatlin was an Eagle Scout with Troop 30, Daleville, and has been awarded a life membership; and

WHEREAS, at George C. Wallace Community College, he has consistently maintained a straight A average from December 1980 until the present, and was named outstanding Student of the Year for the 1981-1982 terms; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Charlie Gatlin of Daleville, Alabama, for outstanding academic achievement and direct that he receive a copy of this resolution in declaration of our sincere warm praise and in utmost regard for his accomplishments.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 405, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Williams:

H. R. 406. COMMENDING MR. CHARLIE GATLIN OF DALEVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

#### MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and previously filed a Motion in Writing, Rep. Carothers offered the motion to reconsider the vote by which the House requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 108, and the motion to reconsider was adopted.

Yeas 65; Nays 0.

*Yeas:*

Reps. Adams (C), Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Olive, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turnham, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

#### COMMITTEE ON CONFERENCE DISCHARGED

On motion of Rep. Carothers, the Committee on Conference appointed to resolve the differences between the two Houses on the Senate amendment to the Bill, H. 108, was discharged.

Yeas 68; Nays 0.

*Yeas:*

Reps. Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holmes, Horn, Johnson (R. G.), Laird, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—68

#### RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Ford:

H. R. 407. COMMENDING THE ATLANTA BRAVES.

Also:

The following resolutions were introduced:



By Rep. Ford:

H. J. R. 408. COMMENDING THE ATLANTA BRAVES.

WHEREAS, the Atlanta Braves, with 13-0 to open the season, are sitting on top of a new record for modern major league baseball, and with one to spare; and

WHEREAS, it was on Tuesday, April 20, 1982, that the Braves dumped the Cincinnati Reds 4-2 to pass the existing 11-0 opening streak reached last season by the Oakland A's; and

WHEREAS, the following night, Atlanta made it 13-0 with a back-to-back second win over the Reds, and a new page in baseball history was added to the records; and

WHEREAS, in addition to the players, both owner, Ted Turner, and Manager Joe Torre are to be congratulated for having set a new goal for the major leaguers, and one which hopefully will be first reached once again by the Braves; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the Atlanta Braves, as well as Mr. Turner and Mr. Torre, and wish them all the very best of luck for the finest season ever in 1982.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Braves that they may know of the deep and sincere pride we share with their many other fans.

The motion offered by Rep. Ford to suspend the rules and adopt the resolution, H. J. R. 408, was lost.

The resolution, H. J. R. 408, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Horn:

H. J. R. 409. COMMENDING THE WOMEN OF NEW PILGRIM BAPTIST CHURCH, BIRMINGHAM, ALABAMA.

WHEREAS, the women of New Pilgrim Baptist Church in Birmingham, Alabama, will hold their Woman's Day Program on May 2, 1982, an event eagerly anticipated by the entire church membership as well as many visitors and friends; and

WHEREAS, the New Pilgrim Woman's Day Program has been a tradition for at least 27 consecutive years under the capable and illustrious leadership of the present pastor, the Reverend Nelson H. Smith; and

WHEREAS, this year's annual program was planned under the supervision of Mrs. Brenda Graham, Woman's Day chairperson, to supersede the outstanding program of 1981 that was executed by Mrs. Robbie Smith and her very fine committee; and

WHEREAS, this annual Woman's Day Program is indeed an event to be highly praised for its integral and worthy role in the overall commendable endeavors of the New Pilgrim Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the

women of the New Pilgrim Baptist Church of Birmingham, Alabama, on their annual Woman's Day Program and direct that in token of our esteem, a copy of this resolution shall be sent to Chairperson, Mrs. Brenda Graham, with a copy also provided for the Reverend Nelson H. Smith, Pastor, for appropriate church display.

On motion of Rep. Horn, the rules were suspended and the resolution, H. J. R. 409, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Horn:

H. R. 410. COMMENDING THE WOMEN OF NEW PILGRIM BAPTIST CHURCH, BIRMINGHAM, ALABAMA.

#### SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

S. 341. (With Amendment): Regulating further license plates to be used for motor vehicles; providing for distinctive license plates for vehicles owned by certain fire fighters.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 341 in Section 2, on page 2, by striking lines 6 through 9, and inserting in lieu thereof the following:

or tags issued fire fighters shall be designed by the Standing Committee on Tag.

And the amendment was adopted.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Biddle, Blake, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Sandusky, Sasser, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—67

And the bill, S. 341 as amended, was read a third time at length and passed.

Yeas 81; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Boles, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

*Nay:* Rep. Holley.

—1

### S. 379 TEMPORARILY POSTPONED

On motion of Rep. Kelley, the bill, S. 379, was temporarily postponed.

And the bill:

S. 300. To authorize the Alabama Supreme Court to hire six staff attorneys and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Was read a third time at length and passed.

Yeas 72; Nays 4.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Pegues, Penry, Ray, Reed, Roberts, Sasser, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

*Nays:* Reps. Olive, Payne, Rains and Seibels.

—4

And the bill:

S. 267. To amend Section 9-11-235, Code of Alabama 1975, relating to nighttime hunting, so as to increase and amend certain penalties for the violation thereof.

Was read a third time at length and passed.

Yeas 82; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates,

Cheatwood, Clark (G), Cobb, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

And the bill:

S. 269. To amend Section 9-11-241, Code of Alabama (1975), relating to daytime hunting on the lands of another, so as to increase certain penalties for the violation thereof.

Was read a third time at length and passed.

Yeas 76; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Daniels, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

*Nays:* Reps. Coburn and Drinkard.

—2

And the bill:

S. 270. To amend Section 9-11-242, Code of Alabama (1975), relating to nighttime hunting on the lands of another, so as to increase penalties for the violation thereof.

Was read a third time at length and passed.

Yeas 76; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Daniels, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

Nay: Rep. Coburn.

—1

And the bill:

S. 266. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of public roads, so as to increase penalties for the violation thereof.

Was taken up.

SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the bill, S. 266:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of roads, highways, or railroads without permission from adjacent landowner, so as to increase penalties for the violation thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-257, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§ 9-11-257.

Any person who hunts within a distance of 100 yards of any road, highway, or railroad in this state or who explodes any firearms while hunting within such proximity of a road, highway or railroad where such person does not have permission from an adjacent landowner shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of not less than \$25.00 \$250.00, nor more than \$50.00 for each offense. and shall be punished for the second and each subsequent offense by a fine of not less than \$500.00 and shall have all hunting license privileges revoked for one (1) year from the date of conviction."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the substitute offered by Rep. Biddle to the bill, S. 266, was lost.

Yeas 8; Nays 74.

Yeas:

Reps. Buskey, Cheatwood, Escott, Gilmer, Holley, Johnson (Roy), Whatley and Wyatt.

*Nays:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harrison, Harvey, Higginbotham, Hines, Horn, Howard, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—74

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 275. COMMENDING HOUSE SPEAKER JOSEPH C. McCORQUODALE, JR., FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND TO THE STATE OF ALABAMA.

Also:

S. J. R. 257. MOURNING THE DEATH OF MRS. MARIE REYNOLDS LEWIS OF BESSEMER, ALABAMA.

Also:

S. 31. To authorize the Highway Director to administer programs relative to public transportation in rural and urban areas, to perform public transportation planning, to provide technical assistance to local entities for formulating public transportation projects, to assure that public transportation projects are in accordance with the comprehensive transportation planning process, to expend State funds apportioned by the legislature from time to time for public transportation, to develop and promulgate rules and regulations pertaining to public transportation, and to administer public transportation programs enacted by the Legislature of Alabama with such flexibility as is found to be in the public interest.

Also:

S. 35. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

Also:

S. 37. To amend further Sections 11-46-20, 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state, in all municipalities except Class 1 municipalities, and except cities and towns organized under a commission form of government, so as to improve and clarify such election procedures.

Also:

S. 38. To amend further Sections 11-46-90, 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns, in all municipalities except Class 1 municipalities, and which are organized under a commission form of government, so as to improve and clarify such election procedures.

Also:

S. 52. To create the Alabama board of optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

Also:

S. 97. To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

Also:

S. 169. To authorize the Alabama Court of Criminal Appeals to hire two staff attorneys and one secretary and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Also:

S. 254. To establish the "Alabama Dental Services Corporation Act"; to authorize the organization and operation of dental services corporations and to provide exceptions; to prescribe public regulation of such corporations; to prescribe certain bond and security deposits, working capital, contract and certificate forms; to prescribe procedures for subscription rates, requirements of charters, articles of incorporation and bylaws and amendments thereto; to require certain operational and financial reports; to make certain insurance and criminal laws applicable to such corporations, including: Title 27, Chapters 1, 2, 4, 6, 8, 12 and 32, Title 13-A, Chapter 8, of the Code of Alabama 1975; to provide for requirements and eligibility of applicants and contracting sales agents, reporting and accounting of funds received, business and fiscal accountability and disclosures; to provide certain grounds and procedures for compulsory and discretionary revocation, suspension or refusal for registration for such agents; to authorize the assessment and collection of administrative fines in certain instances; to grant the commissioner of insurance and department of insurance certain powers, duties and responsibilities with respect to the supervision and regulation of such dental services corporations; to authorize the commissioner to formulate, issue and implement reasonable rules and regulations to carry out the provisions of the Act; to prescribe a time frame for certain actions to be made by the commissioner and department; to establish licensing requirements, fee requirements and the payment and disposition of such fees; to prescribe the mode of reviewing and mediating complaints; to authorize the department of insurance to make certain audits and examinations of such corporations; to prohibit any non-licensed or unauthorized persons, or persons who are not in compliance with the provisions of this Act, from using the phrase or functioning in dental services plans or otherwise hold themselves out as so authorized; to provide for such corporations existing prior to the passage of the provisions of this Act; to prescribe criminal penalties and punishment for violations of the provisions of this Act; and to provide an effective date.

Also:

S. 348. To authorize the state to join a compact between the states of Mississippi and Louisiana for the purpose of studying the feasibility of rapid rail transit service between the states; to authorize the Governor to join the compact; and to establish a joint interstate commission for such purpose.

Also:

S. 353. To further amend Sections 40-18-5, 40-18-14, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71, and 40-18-81 Code of Alabama 1975, relating to the income tax so as to change the rates of taxation, enable married persons to file joint returns, increase the optional standard deduction, conform certain exclusions and deductions to federal law, allow deductions for contributions to individual retirement accounts and individual retirement accounts and individual retirement annuities and to provide for the taxation of distributions from such accounts and annuities, allow deductions for contributions by self-employed individuals to qualified plans on their behalf, conform to federal law the deduction by corporations for contributions to qualified plans, allow exemption from the income tax of certain charitable, etc. entities which are exempt from federal income tax, provide for the personal exemption not to be prorated in the year of an individual taxpayer's death, and modify the requirement of withholding income taxes to reflect the above.

Also:

S. 408. To transfer certain funds to the state parks division of the Department of Conservation and Natural Resources to be utilized exclusively for the development of Frank W. Jackson State Park from the state parks capital outlay fund.

Also:

S. 426. To amend Sections 1 and 5 of Act No. 651, H. 1555 of the 1973 Special Session (Acts 1973, p. 972), which created an Industrial Development Authority for Tuscaloosa County so as to provide further for the composition of the board of such authority and to prescribe certain tax exempt status and security for bonds issued by said authority.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 114. COMMENDING CAROLINE S. CAVANAUGH AND THE BUREAU OF PUBLICITY AND INFORMATION FOR THEIR PUBLICATION "ALABAMA THE BEAUTIFUL".



Also:

H. J. R. 306. ENDORSING AND COMMENDING SEPTEMBER 19, 1982, AS "FAMILY DAY".

McDOWELL LEE,  
Secretary.

S. 266 RESUMED  
SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Biddle to the bill, S. 266, and the substitute was adopted.

Yeas 71; Nays 2.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Harrison, Harvey, Higginbotham, Hines, Horn, Howard, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—71

*Nays:* Reps. Holley and Johnson (Roy).

—2

And the bill, S. 266 as amended, was read a third time at length and passed.

Yeas 62; Nays 8.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Daniels, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Higginbotham, Howard, Kelley, Kennedy, Laird, McKee, McMillan, Minus, Mitchell, Naramore, Owens, Patton, Payne, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—62

*Nays:*

Reps. Cheatwood, Coburn, Hammett, Hines, Holley, Johnson (Roy), Smith (C) and Warren.

—8

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 47. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an Environmental Management Commission within the Department; to provide for powers and functions of the Environmental Management Commission; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for the repeal of, exemption from or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions, and equipment of the Coastal Area Board to the Office of State Planning and Federal Programs; to provide for the creation of a Coastal Resources Advisory Committee; to provide for the severability of provisions of the Act; and to provide for an effective date of this Act.

said Conference Report being in words and figures as follows:

#### REPORT OF COMMITTEE OF CONFERENCE ON S. 47

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning S. 47, as amended, have met, considered the bill as amended and have agreed to the following report.

We recommend that both houses adopt the attached S. 47 as last amended with the additional amendment attached hereto.

PHILLIP B. KELLEY,

TOMMY ED ROBERTS,

W. J. CABANISS, JR.,

Conferees on the part of the House.

D. A. WHITE, JR.,

MAC PARSONS,

JOHN A. TEAGUE,

Conferees on the part of the Senate.

#### CONFERENCE COMMITTEE REPORT FOR S. 47

Amend S. 47 as last amended as follows:

On Page 12 line 8, add a new subsection (d) as follows and renumber the subsequent subsections appropriately:

“(d) Provided however that the initial appointments to the Environmental Management Commission shall be made as follows notwithstanding the other provisions of this Act:

(1) The Governor shall appoint three members of the Environmental Management Commission, two of whom shall come from the voting members of the Boards or Commissions abolished by this act. The Governor's three initial appointments shall fill the positions described in Section 6(b) (4), (6), and (7) of this act. The terms of these initial position appointments shall be for six years.

(2) The Lieutenant Governor shall appoint two members of the Environmental Management Commission, one who shall come from the voting members of the Boards or Commissions abolished by this act. The Lieutenant Governor's appointments pursuant to this subsection shall fill the positions described in Section 6(b) (1) and (5) of this act. The term of the initial position described in Section 6(b) (1) shall be for four years. The term of the initial position described in Section 6(b) (5) shall be for two years.

(3) The Speaker of the House of Representatives shall appoint two members of the Environmental Management Commission, one who shall come from the voting members of the Boards or Commissions abolished by this act. The Speaker of the House of Representatives' appointments pursuant to this subsection shall fill the positions described in Section 6(b) (2) and (3) of this act. The term of the initial position described in 6(b) (2) shall be for four years. The term of the initial position described in Section 6(b) (3) shall be for two years."

On page 10, delete lines 28 through lines 37 in their entirety, and in lieu thereof insert the following:

"(b) The Environmental Management Commission shall be composed of seven members who are citizens of the State of Alabama. Initial members of the Commission shall be appointed to places on the Environmental Management Commission by the Governor, Lieutenant Governor, and Speaker of the House of Representatives pursuant to the procedure set out in Section 6(d) of this act with the advice and consent of the Senate. Initial appointments shall be made on or before October 1, 1982. All subsequent appointments to places on the Environmental Management Commission after the initial appointments shall be made by the Governor with the advice and consent of the Senate. No member of the Environmental Management Commission may serve more than a total of eighteen years. When a vacancy occurs during a period when the"

On page 11 delete lines 31 through 35 in their entirety and delete on line 36 the word "serve."

And said Bill, S. B. 47, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### COMMITTEE ON CONFERENCE REPORT ADOPTED

On motion of Rep. Kelley, the House concurred in and adopted the Report of the Committee on Conference appointed to reconcile the differences between the two Houses on the House amendment to the bill, S. 47, said Report being set out in the above and foregoing Message from the Senate.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed,

Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Stewart, Stout, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

*Nay:* Rep. Cheatwood.

—1

And the bill, S. 47 as amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 76; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (C), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Higginbotham, Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (J), Stewart, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

*Nays:* Reps. Cheatwood and Holley.

—2

### SPECIAL ORDER RESUMED

And the bill:

S. 477. To make an appropriation for the fiscal year ending September 30, 1983 in the amount of Six million five hundred thousand dollars (\$6,500,000) from the monies initially transferred into The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses incurred prior to September 30, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Was read a third time at length and passed.

Yeas 78; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holmes, Horn, Johnson (R. G.), Kelley, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—78

Nays: Reps. Howard and Manley.

—2

RESOLUTION

The following resolution was introduced:

By Reps. Wyatt, Dixon, Grouby, Langford, McKee and Holmes:

H. J. R. 411. URGING THE COUNTY AND CITY GOVERNING BODIES TO EARMARK AT LEAST 50% OF THE RESULTING INCREASE OF THE PROCEEDS DERIVED FROM H. B. 165 OF THE 1982 REGULAR SESSION TO MONTGOMERY COUNTY BOARD OF EDUCATION.

WHEREAS, it is the desire and intention of the Montgomery County Delegation that at least half of the increase in the resulting proceeds of the levelized beer tax, H. B. 165, which passed the 1982 Regular Session be earmarked for the Montgomery County Board of Education; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge that the governing bodies of the County and City of Montgomery earmark at least 50% of the resulting increase in the proceeds they receive under the levelized beer tax (H. B. 165, passed at the 1982 Regular Session) for the Montgomery County Board of Education.

RESOLVED FURTHER, That if the said governing bodies fail to earmark and use said tax proceeds for Montgomery County Board of Education, then this legislature and this delegation will consider passing local legislation to require such earmarking.

RESOLVED FURTHER, That a copy of this resolution be sent to the presiding officer of each said governing body, to the Mayor of Montgomery and to the Superintendent of Montgomery County Schools.

On motion of Rep. Wyatt, the rules were suspended and the resolution, H. J. R. 411, was adopted.

SPECIAL ORDER RESUMED

And the bill:

S. 322. (With Amendment): Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing body of Jefferson County and Tuscaloosa County and municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cabaniss offered the following substitute to the bill, S. 322 with pending amendment reported by the Standing Committee on State Administration, said substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Jefferson, Mobile and

Tuscaloosa Counties and municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

#### PROPOSED AMENDMENT

For the promotion of local economic and industrial development, Jefferson, Mobile and Tuscaloosa Counties and each municipality situated in said counties shall, other provisions of law or this Constitution notwithstanding, have, independently or in cooperation with one or more of such governmental entities, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site or industrial park projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange or otherwise convey, on terms approved by the governing bodies of such counties, or municipality, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by the counties or any municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties, or any municipality therein, to construct buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither Jefferson, Mobile or Tuscaloosa County nor any city in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of Sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to such counties, or to any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this State.

The names and addresses of all parties involved in conveyances of land herein provided and the amounts of any monies paid or received shall be published in the newspaper in the county with the largest circulation.

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the Legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said Legislature.

Furthermore, neither the county nor any municipality shall sell any real property acquired under the authority hereof for a price less than its actual purchase and development cost of such property:

(a) Unless the price be approved at a public meeting of the governing body of such county or municipality, and unless

(b) at least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public, and

(c) the price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Section 4. This amendment shall not become effective in Jefferson, Mobile or Tuscaloosa Counties unless it be approved by a majority of the electorate of the respective county participating in the election for the ratification of this amendment, as provided for in Section 2 above.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Buskey, Cabanis, Carothers, Carter, Coburn, Cooley, Cosby, Dixon, Edwards, Escott, Gafford, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Higginbotham, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Penry, Reed, Riddick, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

*Nay:* Rep. Cheatwood.

—1

## AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, S. 322 as amended:

Amend S. B. 322 by adding after the word(s) Jefferson County, Mobile, and Tuscaloosa County in the synopsis, title and body of the bill wherever they are located, the following words:

"Marengo County and Coffee County."

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cosby, Crow, Dixon, Edwards, Escott, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Penry, Rains, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

*Nay:* Rep. Cheatwood.

—1

And the bill:

S. 312. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Madison County Board of Education for capital outlay purposes to be used to restore or replace the Central School which was destroyed by fire.

Was taken up.

## AMENDMENT OFFERED

Rep. Lewis offered the following amendment to the bill, S. 312:

Amend Senate Bill 312 as follows:

In the Synopsis, line 11, after the word "Education" by inserting and Bessemer Board of Education. And on line 13, after the word "School" by inserting and Jess Lanier High School. And on line 13, after the word "which" by striking was and inserting in lieu thereof were.

In the Title, line 22, after the word "Education" by inserting and Bessemer Board of Education. And on line 23 after the word "School" by inserting and Jess Lanier High School. And on line 23 after the word "which" by striking was and inserting in lieu thereof were.

Beginning on line 32, on page 1, add a new Section 2 and renumber remaining Section accordingly. New Section 2 to read as follows:



Section 2. There is hereby made a supplemental appropriation in the sum of \$500,000 from the Alabama Special Educational Trust Fund for capital outlay purposes to be used to restore or replace the Jess Lanier High School which was destroyed by fire. Their appropriation shall be made upon availability of funds as determined by the Governor.

MOTION TO TABLE

Rep. Hall offered the motion to table the amendment offered by Rep. Lewis to the bill, S. 312.

S. 312 TEMPORARILY POSTPONED

On substitute motion offered by Rep. Manley, the bill, S. 312 with pending amendment, was temporarily postponed.

S. 365 TEMPORARILY POSTPONED

On motion of Rep. Sandusky, the bill, S. 365, was temporarily postponed.

S. 468 TEMPORARILY POSTPONED

On motion of Rep. Venable, the bill, S. 468, was temporarily postponed.

And the bill:

S. 377. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Was read a third time at length and passed.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kenredy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Willis, Wyatt and Zoghby.

— 64

And the bill:

S. 519. Relating to DeKalb County; providing for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and providing for an effective date.

Which previously was temporarily postponed, was read a third time at length and passed.

Yeas 39; Nays 0.

*Yeas:*

Reps. Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Carter, Cheatwood, Clark (G), Cobb, Crow, Drinkard, Goodwin, Hall, Harper (O),

Harrison, Holmes, Howard, Johnson (R. G.), Letson, McKee, Manley, Minus, Naramore, Nevett, Olive, Patton, Pegues, Ray, Roberts, Seibels, Smith (J), Stewart, Turner, Waggoner, Warren, Willis, Wyatt and Zoghby.

— 39

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 193. To amend Section 10-2A-25, Code of Alabama 1975, as amended, so as to provide that the name of the corporation, if a bank, need not use the word "corporation", "incorporated," or an abbreviation thereof, but instead shall use the words "bank," "banking" or "bankers."

Was read a third time at length and passed.

Yeas 62; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Carter, Cates, Clark (G), Cobb, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Minus, Naramore, Nevett, Olive, Owens, Ray, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Stewart, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

— 62

*Nays:* Rep. Cheatwood.

—1

And the bill:

S. 39. (With Substitute): To provide for an additional judgeship for the Eleventh Judicial Circuit of Alabama; to provide for the election of the first judge to fill this judgeship at the next general election for state officers; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Eleventh Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Eleventh Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Eleventh Judicial Circuit.

Was taken up.

## SUBSTITUTE OFFERED

Rep. Starkey offered the following substitute to the substitute reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for an additional judgeship for the Eleventh Judicial Circuit of Alabama; to provide for the appointment of the first judge to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Eleventh Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Eleventh Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Eleventh Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an additional circuit judgeship for the Eleventh Judicial Circuit which shall be designated as circuit judgeship No. 3. The existing judgeships of said circuit shall continue to be designated as judgeship no. 1 and judgeship no. 2, respectively. The first judge of the additional judgeship created by this Act shall be appointed under the provisions of Section 7 of this Act.

Section 2. The judge of said circuit judgeship No. 3 shall have and exercise all the jurisdiction, powers, rights and authority, and possess all of the qualifications, perform all of the duties and be subject to all of the pains, obligations and penalties that other circuit judges may exercise, perform or be subject to.

Section 3. The additional circuit judge provided for in this Act shall receive the same salary and supplements, payable in the same manner, as the other circuit court judges of the Eleventh Judicial Circuit.

Section 4. Section 12-17-20, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-17-20 (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit.

"(3) There shall be three circuit judges in the fifth judicial circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 20 circuit judges in the tenth judicial circuit.

"(9) There shall be two circuit judges in the eleventh judicial circuit, and one circuit judge conditional on the implementation of the provisions of Section 7 of this Act.

"(10) There shall be two circuit judges in the twelfth judicial circuit.

"(11) There shall be nine circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

"(14) There shall be four circuit judges in the sixteenth judicial circuit.

"(15) There shall be three circuit judges in the eighteenth judicial circuit.

"(16) There shall be two circuit judges in the nineteenth judicial circuit.

"(17) There shall be three circuit judges in the twentieth judicial circuit.

"(18) There shall be two circuit judges in the twenty-second judicial circuit.

"(19) There shall be six circuit judges in the twenty-third judicial circuit.

"(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

"(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

"(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

"(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

"(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

"(25) There shall be two circuit judges in the thirtieth judicial circuit.

"(26) There shall be two circuit judges in the thirty-first judicial circuit.

"(27) There shall be two circuit judges in the thirty-second judicial circuit.

"(28) There shall be two circuit judges in the thirty-third judicial circuit.

"(29) There shall be two circuit judges in the thirty-seventh judicial circuit.

"(30) There shall be two circuit judges in the thirty-eighth judicial circuit.

Section 5. The presiding circuit judge of the Eleventh Judicial Circuit shall be selected as otherwise provided law or court rule.

Section 6. The presiding circuit judge of the Eleventh Judicial Circuit shall be authorized and empowered to designate either a district judge or a circuit judge of the Eleventh Judicial Circuit as the juvenile court judge of Lauderdale County. Said designation shall be in writing and shall be made

only after advising with the circuit and district judges. the presiding circuit judge shall further have the power and authority to establish, by means of a written order, a Family Court Division of the Eleventh Judicial Circuit and to assign one of the circuit or district judges to preside over said division. In the event a district court judge is assigned to preside over the Family Court Division as provided herein, such judge shall have the same powers and authority as a circuit court judge to handle all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony and all other domestic and marital matters over which the circuit court has jurisdiction and such district judge shall serve as an ex officio circuit judge when handling such cases.

Section 7. There is hereby appropriated a sum not to exceed one-hundred-twenty-thousand-four-hundred-fifty-one dollars to the Unified Judicial System for fiscal year 1982-83, to be conditioned upon the condition of the general fund and upon approval of the Governor for the support and maintenance of the additional judgeship. If the Governor, at any time during fiscal years 1982-83 and 1983-84 releases this conditional appropriation, he shall make an appointment filling this position as provided by law.

Section 8. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Crow, Daniels, Dixon, Drinkard, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Horn, Johnson (R. G.), Kennedy, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Penry, Ray, Roberts, Sandusky, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Warren, Whatley, Willis and Zoghby.

—61

#### AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, S. 39 as amended:

Amend S. B. 39 on page 4, Section 7, line 34 by striking after the word(s) "1982-83" the following:

"And 1983-84"

Further on page 4, Section 7, line 34 delete "S" from the word "years."

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Bedsole, Bennett, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Goodwin, Gregg, Grimsley, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Horn, Howard, Johnson (R. G.), Kennedy, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Tucker, Turner, Venable, Waggoner, Warren, Whatley, Willis and Zoghby.

—64

## SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, S. 39 as amended:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for additional judgeships for the Eleventh Judicial Circuit of Alabama and the Twelfth Judicial Circuit of Alabama, respectively; to provide for the appointment of the first judges to fill such judgeships; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judges; to increase the number of circuit judges in the Eleventh Judicial Circuit and Twelfth Judicial Circuit, respectively, by amending Section 12-17-20, Code of Alabama 1975; to provide that each respective presiding circuit judge shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge in the respective circuits; and to further provide that each presiding circuit judge shall have the authority to establish a Family Court Division.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created additional circuit judgeships for the Eleventh and Twelfth Judicial Circuits which shall be designated as circuit judgeships No. 3. The existing judgeships for said circuits shall continue to be designated as judgeship No. 1 and judgeship No. 2, respectively. The first judges of the additional circuit judgeships created by this Act shall be appointed under the provisions of Section 7 of this Act.

Section 2. The judge of said circuit judgeships No. 3 shall have and exercise all of the jurisdiction, powers, rights and authority, and possess all of the qualifications, perform all of the duties and be subject to all of the pains, obligations and penalties that other circuit judges may exercise, perform or be subject to.

Section 3. The additional circuit judges provided for in this Act shall receive the same salary and supplements, payable in the same manner, as the other circuit court judges of the Eleventh and Twelfth Judicial Circuits.

Section 4. Section 12-17-20, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-17-20 (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit.

"(3) There shall be three circuit judges in the fifth judicial circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 20 circuit judges in the tenth judicial circuit.

"(9) There shall be two circuit judges in the eleventh judicial circuit and one circuit judge conditional on the implementation of the provisions of Section 7 of this Act.

"(10) There shall be two circuit judges in the twelfth judicial circuit and one circuit judge conditional on the implementation of the provisions of Section 7 of this Act.

"(11) There shall be nine circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

"(14) There shall be four circuit judges in the sixteenth judicial circuit.

"(15) There shall be three circuit judges in the eighteenth judicial circuit.

"(16) There shall be two circuit judges in the nineteenth judicial circuit.

"(17) There shall be three circuit judges in the twentieth judicial circuit.

"(18) There shall be two circuit judges in the twenty-second judicial circuit.

"(19) There shall be six circuit judges in the twenty-third judicial circuit.

"(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

"(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

"(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

"(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

"(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

"(25) There shall be two circuit judges in the thirtieth judicial circuit.

"(26) There shall be two circuit judges in the thirty-first judicial circuit.

"(27) There shall be two circuit judges in the thirty-second judicial circuit.

"(28) There shall be two circuit judges in the thirty-third judicial circuit.

"(29) There shall be two circuit judges in the thirty-seventh judicial circuit.

"(30) There shall be two circuit judges in the thirty-eighth judicial circuit.

Section 5. Each respective presiding circuit judge of the Eleventh and Twelfth Judicial Circuits shall be selected as otherwise provided by law or court rule.

Section 6. Each respective presiding circuit judge of the Eleventh and Twelfth Judicial Circuit shall be authorized and empowered to designate either a district judge or a circuit judge of the respective circuit as the juvenile court judge for said circuit. Said designation shall be in writing and shall be made only after advising with the circuit and district judges within the circuit. Each presiding circuit judge shall further have the power and authority to establish, by means of a written order, a Family Court Division within his respective circuit and to assign one of the circuit or district judges to preside over said division. In the event a district court judge is assigned to preside over the Family Court Division as provided herein, such judge shall have the same powers and authority as a circuit court judge to handle all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony and all other domestic and marital matters over which the circuit court has jurisdiction and such district judge shall serve as an ex officio circuit judge when handling such cases.

Section 7. There is hereby appropriated a sum not to exceed two-hundred-forty-thousand-nine-hundred-two dollars to the Unified Judicial System for fiscal year 1982-83, to be conditioned upon the condition of the general fund and upon approval of the Governor for the support and maintenance of the additional judgeships created by this Act. If the Governor, at any time during fiscal years 1982-83 and 1983-84 releases this conditional appropriation, he shall make appointments filling these positions as provided by law.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 52; Nays 0.

*Yeas:*

Reps. Adams (H), Amari, Barton, Blake, Bowling, Cabaniss, Carter, Cheatwood, Clark (G), Cobb, Coburn, Crow, Daniels, Dixon, Drinkard, Ford, Gafford, Gregg, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Howard, Johnson (Roy), Kennedy, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Patton, Pegues, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Stewart, Trammell, Venable, Warren, Williams and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 39. TEMPORARILY POSTPONED

On motion of Rep. Manley, the bill, S. 39 as amended, was temporarily postponed.

And the bill:

S. 66. To remove the requirement of driver education for graduation; to require local school systems to provide the opportunity for driver education; to provide for the protection of driver education teachers currently employed and provide requirements for optional driver education courses.

Was read a third time at length and passed.

Yeas 68; Nays 2.

*Yeas:*

Mr. Speaker, Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Higginbotham, Hines, Johnson (R. G.), Kelley, Kennedy, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

*Nays:* Reps. Crow and Holley.

—2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 799. Relating to local sales and use taxes in Lee County, Alabama, and amending Act No. 81-553 enacted at the 1981 Regular Session of the Legislature of Alabama so as to provide further for the levy and collection of the special county privilege, license and excise taxes authorized by said Act No. 81-553 to be levied and collected by Lee County, Alabama, for the administration of said Act No. 81-553, and for the use of the proceeds from said taxes; authorizing the governing body of Lee County, Alabama, to levy and collect special county privilege, license and excise taxes generally paralleling the state sales and use taxes levied by Act No. 81-665 enacted at the 1981 Regular Session of the Legislature of Alabama on sales of automobiles and other vehicles other than at wholesale by persons other than licensed dealers; providing for the collection of such taxes and the use of the proceeds therefrom; and repealing Act No. 81-918 enacted at the 1981 First Special Session of the Legislature of Alabama.

Also:

H. 822. Relating to Class 2 municipalities; providing for a retirement pension for certain elected public officials in such municipalities, the eligibility requirements for such pension and the amount, method; providing for payments from the general fund of such municipalities; and specifically repealing Act No. 432, S. 531 of the 1971 Regular Session (Acts 1971, p. 1159) and Act No. 682, H. 937, Regular Session 1967 (Acts 1967, p. 1508), which acts provide for a retirement pension for certain elected public officials of certain cities classified on a population basis.

Also:

H. 811. Relating to Escambia County; providing further for the expense allowance of the presiding circuit judge of the twenty-first judicial circuit.

Also:

H. 812. Relating to Escambia County; amending Act No. 251, H. 979, 1976 Regular Session (Acts 1976, p. 287), so as to provide further for the compensation of the court reporter of the twenty-first judicial circuit.

Also:

H. 816. Relating to Macon County; to amend Act 81-585, H. 1001, 1981 Regular Session, providing for a discretionary expense allowance for members of the board of registrars, so as to make said expense allowance mandatory.

Also:

H. 781. To provide further for the compensation of the clerks in the tax assessor's office in Bullock County.

McDOWELL LEE,  
Secretary.

#### SPECIAL ORDER RESUMED

And the bill:

S. 56. To exempt incorporated municipalities and incorporated municipal boards of this state from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama 1975; to establish an effective date.

Was read a third time at length and passed.

Yeas 49; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bennett, Blake, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Owens, Penry, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—49

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 514. To authorize the acquisition and pledging and securing of Letters of Credit in connection with the issuance of securities by public bodies in Alabama.

Was read a third time at length and passed.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—70

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 114. COMMENDING CAROLINE S. CAVANAUGH AND THE BUREAU OF PUBLICITY AND INFORMATION FOR THEIR PUBLICATION "ALABAMA THE BEAUTIFUL."

Also:

H. J. R. 306. ENDORSING AND COMMENDING SEPTEMBER 19, 1982, AS "FAMILY DAY."

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 678. To amend Section 2 of Act No. 548, S. 616 of the 1978 Regular Session of the Legislature relating to the compensation of the judge of probate of Morgan County, Alabama, so as to provide further for such compensation.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 678, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 25; Nays 0.

And said Bill, H. B. 678, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### SPECIAL ORDER RESUMED

And the bill:

S. 386. To exempt from the payment of any and all state, county and municipal ad valorem taxes, the Board of Trustees of the Susie Parker Stringfellow Memorial Hospital established and created under the Last Will and Testament of Susie P. Stringfellow, deceased, and Stringfellow Memorial Hospital Non-Profit Realty Company, a nonprofit corporation, and all real and personal property of said Board of Trustees of said nonprofit corporation, to provide that any and all such ad valorem taxes which were, are or may be collected as the result of any assessment against said Board of Trustees or said nonprofit corporation, or any real or personal property of said Board of Trustees or said nonprofit corporation, shall be remitted to the entity which paid them and to provide that no action or proceeding for the collection or enforcement of any such ad valorem tax may be instituted against said Board of Trustees or said nonprofit corporation subsequent to its effective date.

Was read a third time at length and passed.

Yeas 55; Nays 2.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Blake, Brakefield, Campbell, Carter, Cheatwood, Clark (G), Coburn, Crow, Dial, Dixon, Drinkard, Edwards, Ford,

REGULAR SESSION  
30th Day

1967

Goodwin, Grimsley, Grouby, Hammett, Harper (O), Higginbotham, Hines, Johnson (R. G.) Kelley, Laird, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Owens, Parker, Patton, Payne, Penry, Ray, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley and Willis.

—55

*Nays:* Reps. Holley and Wyatt.

—2

And the bill:

S. 86. (With Amendment): To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 86 on page 2, line 12, by deleting the figure "\$75.00" and inserting in lieu thereof the figure:

\$50.00

Further amend Senate Bill 86 on page 2, line 14, by deleting the figure "\$1,800.00" and inserting in lieu thereof the figure:

\$1,200.00

And the amendment was adopted.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.) Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—76

And the bill, S. 86 as amended, was read a third time at length and passed.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T),

Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.) Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

## S. 211 INDEFINITELY POSTPONED

On motion of Rep. Holley, the bill:

S. 211. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Was indefinitely postponed.

Yeas 47; Nays 35.

*Yeas:*

Reps. Bennett, Blake, Boles, Bowling, Brakefield, Carothers, Cheatwood, Coburn, Cosby, Crow, Daniels, Escott, Gilmer, Gregg, Grimsley, Harper (O), Harper (T), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Langford, Naramore, Nevett, Parker, Patton, Pegues, Penry, Rains, Reed, Riddick, Sasser, Shavers, Smith (C), Starkey, Stout, Trammell, Whatley, Williams, Willis and Wyatt.

—47

*Nays:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Cabaniss, Carter, Cates, Cobb, Cooley, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Hines, Letson, McKee, McMillan, Minus, Moore, Payne, Ray, Roberts, Seibels, Smith (J), Smith (M), Stewart, Turner, Venable, Waggoner, Warren and Zoghby.

—35

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 781. To provide further for the compensation of the clerks in the tax assessor's office in Bullock County.

Also:

H. 799. Relating to local sales and use taxes in Lee County, Alabama, and amending Act No. 81-553 enacted at the 1981 Regular Session of the Legislature of Alabama so as to provide further for the levy and collection of

the special county privilege, license and excise taxes authorized by said Act No. 81-553 to be levied and collected by Lee County, Alabama, for the administration of said Act No. 81-553, and for the use of the proceeds from said taxes; authorizing the governing body of Lee County, Alabama, to levy and collect special county privilege, license and excise taxes generally paralleling the state sales and use taxes levied by Act No. 81-665 enacted at the 1981 Regular Session of the Legislature of Alabama on sales of automobiles and other vehicles other than at wholesale by persons other than licensed dealers; providing for the collection of such taxes and the use of the proceeds therefrom; and repealing Act No. 81-918 enacted at the 1981 First Special Session of the Legislature of Alabama.

Also:

H. 811. Relating to Escambia County; providing further for the expense allowance of the presiding circuit judge of the twenty-first judicial circuit.

Also:

H. 812. Relating to Escambia County; amending Act No. 251, H. 979, 1976 Regular Session (Acts 1976, p. 287), so as to provide further for the compensation of the court reporter of the twenty-first judicial circuit.

Also:

H. 816. Relating to Macon County; to amend Act 81-585, H. 1001, 1981 Regular Session, providing for a discretionary expense allowance for members of the board of registrars, so as to make said expense allowance mandatory.

Also:

H. 822. Relating to Class 2 municipalities; providing for a retirement pension for certain elected public officials in such municipalities, the eligibility requirements for such pension and the amount, method; providing for payments from the general fund of such municipalities; and specifically repealing Act No. 432, S. 531 of the 1971 Regular Session (Acts 1971, p. 1159) and Act No. 682, H. 937, Regular Session 1967 (Acts 1967, p. 1508), which acts provide for a retirement pension for certain elected public officials of certain cities classified on a population basis.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### S. 322 AGAIN TAKEN UP

And the bill, S. 322 as amended, was again taken up.

#### AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, S. 322:

On page 2, line 17, delete the period and insert in lieu thereof:

or authorize the counties, or any municipality therein, to erect or construct dormitories for of any college or university.

#### AMENDMENT ADOPTED

And the amendment offered by Rep. Johnson (Roy) to the bill, S. 322 as amended, was adopted.

Yeas 69; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Carothers, Carter, Cates, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.) Johnson (Roy), Kelley, Kennedy, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Sandusky, Sasser, Seibels, Shavers, Smith (C), Starkey, Stewart, Trammell, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—69

*Nay:* Rep. Tucker.

—1

#### AMENDMENT OFFERED

Rep. Roberts offered the following amendment to the bill, S. 322 as amended:

Amend S. B. 322 by adding the following counties in the synopsis, title and body of the bill wherever they are located, the following words:

and Lawrence County, Morgan County, Etowah County, Cullman County, Dallas County and Perry County.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Crow, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Higginbotham, Hines, Horn, Howard, Johnson (R. G.) Kennedy, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Patton, Pegues, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Smith (C), Starkey, Stewart, Trammell, Venable, Ward, Warren and Zoghby.

—62

*Nay:* Rep. Cheatwood.

—1



REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 678. To amend Section 2 of Act No. 548, S. 616 of the 1978 Regular Session of the Legislature relating to the compensation of the judge of probate of Morgan County, Alabama, so as to provide further for such compensation.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

S. 322 RESUMED

Rep. Cheatwood offered the following amendment No. 1 to the bill, S. 322 as amended:

Amend H. 462 as follows:

On page three after line 29, add a new paragraph as follows:

No provision of this amendment shall be construed to authorize any municipality to use eminent domain outside of its own jurisdiction.

AMENDMENT TABLED

On motion of Rep. Cabaniss, the amendment No. 1 offered by Rep. Cheatwood to the bill, S. 322 as amended, was tabled.

Yeas 42; Nays 15.

*Yeas:*

Mr. Speaker, Amari, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Carter, Cosby, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Higginbotham, Hines, Johnson (R. G.) Laird, Letson, McKee, McMillan, Minus, Moore, Owens, Patton, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—42

*Nays:*

Reps. Boles, Brakefield, Cheatwood, Escott, Harper (T), Holley, Horn, Howard, Johnson (Roy), Naramore, Nevett, Olive, Rains, Smith (C) and Trammell.

—15

## AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 2 to the bill, S. 322 as amended:

Amend as follows:

On page three after line 29, add a new paragraph as follows:

No provision of this amendment shall be construed to authorize annexation.

## AMENDMENT TABLED

On motion of Rep. Cabaniss, the amendment No. 2 offered by Rep. Cheatwood to the bill, S 322 as amended, was tabled.

Yeas 51; Nays 16.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Carter, Cobb, Cosby, Dial, Dixon, Edwards, Escott, Gafford, Grimsley, Grouby, Higginbotham, Hines, Holmes, Horn, Johnson (R. G.) Langford, Letson, Lewis, McKee, McMillan, Minus, Moore, Nevett, Owens, Patton, Pegues, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—51

*Nays:*

Reps. Boles, Brakefield, Cheatwood, Cooley, Harper (T), Harvey, Holley, Howard, Johnson (Roy), Naramore, Rains, Sandusky, Smith (C), Stout, Trammell and Turner.

—16

## AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, S. 322 as amended:

Amend S. B. 322 by adding the following counties in the synopsis, title and body of the bill wherever they are located, the following words:

Macon County and Bullock County; and Houston, Geneva, Talladega and Coosa counties.

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Biddle, Brakefield, Cabaniss, Carothers, Carter, Cobb, Cooley, Cosby, Daniels, Dixon, Edwards, Escott, Gafford, Grimsley, Grouby, Higginbotham, Holmes, Horn, Johnson (Roy), Kennedy, Langford, McKee, McMillan, Moore, Nevett, Olive, Owens, Patton, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Stewart,

Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—54

AMENDMENT OFFERED

Rep. Boles offered the following amendment to the bill, S. 322 as amended:

Amend S. B. 322 by striking the following word: "Jefferson" whenever it appears in the Bill.

AMENDMENT TABLED

On motion of Rep. Cabaniss, the amendment offered by Rep. Boles to the bill, S. 322 as amended, was tabled.

Yeas 23; Nays 9.

*Yeas:*

Reps. Amari, Barton, Bennett, Biddle, Cabaniss, Carothers, Daniels, Dixon, Escott, Gafford, Higginbotham, Horn, Kelley, Lewis, Moore, Nevett, Seibels, Starkey, Stewart, Waggoner, Warren, Williams and Zoghby.

—23

*Nays:*

Reps. Blake, Boles, Cheatwood, Harper (O), Holley, Johnson (Roy), Payne, Sandusky and Trammell.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Harvey to indefinitely postpone the bill, S. 322 as amended, was lost.

Yeas 23; Nays 41.

*Yeas:*

Reps. Blake, Boles, Brakefield, Cheatwood, Cooley, Crow, Dixon, Ford, Gilmer, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (Roy), Mitchell, Parker, Rains, Smith (C), Stout, Trammell and Turner.

—23

*Nays:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Carter, Cosby, Edwards, Escott, Gafford, Grimsley, Grouby, Hammett, Harrison, Hines, Holmes, Jackson, Kennedy, Letson, Lewis, McMillan,

Manley, Moore, Nevett, Olive, Patton, Pegues, Ray, Riddick, Roberts, Smith (J), Stewart, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—41

And the bill, S. 322 as amended, was read a third time at length and lost, lacking a three-fifths vote of all those elected to the House.

Yeas 48; Nays 17.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cosby, Edwards, Escott, Gregg, Grimsley, Grouby, Hammett, Harrison, Higginbotham, Hines, Horn, Jackson, Johnson (R. G.) Letson, Lewis, McMillan, Manley, Moore, Nevett, Owens, Patton, Pegues, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Turnham, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—48

*Nays:*

Reps. Boles, Brakefield, Cheatwood, Gafford, Gilmer, Harper (T), Harvey, Holley, Howard, Johnson (Roy), Olive, Rains, Shavers, Smith (C), Stout, Trammell and Turner.

—17

#### S. 312 AGAIN TAKEN UP

And the bill, S. 312 which previously was temporarily postponed with pending amendment, was again taken up.

#### SUBSTITUTE OFFERED

Rep. Hall offered the following substitute to the bill, S. 312 with pending amendment.

#### A BILL TO BE ENTITLED AN ACT

To make a conditional appropriation from the Alabama Special Educational Trust Fund to the Madison County Board of Education for capital outlay purposes to be used to restore or replace the Central School which was destroyed by fire.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby made a conditional appropriation in the sum of \$1,000,000 from the Alabama Special Educational Trust Fund in the state treasury to the Madison County Board of Education for capital outlay purposes to be used to restore or replace the Central School which was destroyed by fire. This appropriation shall be conditioned upon the availability of funds in the ASETF and the approval of the Governor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Lewis offered the following substitute to the substitute offered by Rep. Hall to the bill, S. 312 with pending amendment:

A BILL  
TO BE ENTITLED  
AN ACT

To make a conditional appropriation from the Alabama Special Educational Trust Fund to the Madison County Board of Education and Bessemer Board of Education for capital outlay purposes to be used to restore or replace the Central School and Jess Lanier High School which were destroyed by fire.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby made a conditional appropriation in the sum of \$1,000,000 from the Alabama Special Educational Trust Fund in the state treasury to the Madison County Board of Education for capital outlay purposes to be used to restore or replace the Central School which was destroyed by fire. This appropriation shall be conditioned upon the availability of funds in the ASETF and the approval of the Governor.

Section 2. There is hereby made a conditional appropriation of \$500,000 from the Alabama Special Educational Trust Fund for capital outlay purposes to be used to restore or replace the Jess Lanier High School which was destroyed by fire. This appropriation shall be conditioned upon the availability of funds in the ASETF and the approval of the Governor.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Hall to table the substitute offered by Rep. Lewis to the bill, S. 312 with pending substitute and amendment, was lost.

Yeas 8; Nays 30.

*Yeas:*

Reps. Cooley, Holley, Holmes, Johnson (R. G.) Johnson (Roy), Minus, Rains and Smith (M).

—8

*Nays:*

Reps. Bedsole, Cheatwood, Clark (G), Cosby, Daniels, Edwards, Escott, Gafford, Hall, Harper (T), Harrison, Hines, Horn, Howard, McMillan, Manley, Moore, Nevett, Olive, Payne, Pegues, Shoemaker, Smith (C), Trammell, Tucker, Turner, Turnham, Warren, Whatley and Willis.

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Lewis to the bill, S. 312 with pending substitute and amendment, and the substitute was adopted.

Yeas 42; Nays 6.

*Yeas:*

Reps. Bedsole, Bennett, Biddle, Boles, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Daniels, Edwards, Escott, Gafford, Harper (T), Harrison, Harvey, Hines, Holmes, Horn, Howard, Johnson (R. G.), Kennedy, McMillan, Manley, Moore, Nevett, Olive, Parker, Payne, Pegues, Penry, Ray, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Willis and Zoghby.

—42

*Nays:*

Reps. Holley, Johnson (Roy), Minus, Rains, Smith (J) and Smith (M).

—6

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## AMENDMENT OFFERED

Rep. Pegues offered the following amendment to the bill, S. 312 as amended:

Amend Senate Bill 312, in the Synopsis, line 12, after the word "Education" by inserting and Dallas County Board of Education. And on line 14, after the words "High School" by inserting and Dallas County High School at Plantersville

Further amend the bill in the Title, line 23, after the word "Education" and before the word "for" by inserting and Dallas County Board of Education. And on line 25, after the words "High School" by inserting and Dallas County High School at Plantersville.

Further amend the bill, page 2, immediately following line 6 by inserting a new Section 3 and by renumbering remaining sections accordingly. New Section 3 to read as follows:

Section 3. There is hereby made a conditional appropriation of \$700,000 from the Alabama Special Educational Trust Fund for capital outlay purposes to be used to restore or replace the Dallas County High School at Plantersville which was destroyed by fire. This appropriation shall be conditioned upon the availability of funds in the ASETF and the approval by the Governor.

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 2.

*Yeas:*

Reps. Adams (H), Bedsole, Bennett, Biddle, Boles, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.) Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Reed, Roberts, Smith (C), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

*Nays:* Reps. Smith (J) and Smith (M).

—2

#### AMENDMENT OFFERED

Rep. Riddick offered the following amendment to the bill, S. 312 as amended:

Amend S. B. 312 as substituted on page 1, line 33 by adding the following sentence:

"It is the intent of the Legislature that if any funds become available in the Alabama Special Educational Trust Fund, the Governor shall release the conditional appropriation for burned-out schools prior to the release of any other conditionals."

#### MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment offered by Rep. Riddick to the bill, S. 312 as amended, was lost.

Yeas 30; Nays 35.

*Yeas:*

Reps. Blake, Bowling, Clark (G), Cobb, Daniels, Gilmer, Hammett, Harper (O), Holley, Holmes, Johnson (Roy), Langford, Letson, McKee, Manley, Minus, Mitchell, Owens, Patton, Penry, Ray, Roberts, Sasser, Smith (C), Stewart, Trammell, Turner, Warren, Whatley and Wyatt.

—30

*Nays:*

Reps. Albright, Barton, Bedsole, Biddle, Brakefield, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gregg, Grouby, Hall, Harvey, Hines, Horn, Howard, Johnson (R. G.) Kelley, Lewis, McMillan, Moore, Olive, Payne, Pegues, Rains, Riddick, Shoemaker, Smith (J), Stout, Willis and Zoghby.

—35

#### AMENDMENT LOST

The question was then on the amendment offered by Rep. Riddick to the bill, S. 312 as amended, and the amendment was lost.

Yeas 41; Nays 42.

*Yeas:*

Reps. Adams (H), Amari, Barton, Biddle, Bowling, Cooley, Cosby, Drinkard, Edwards, Ford, Gafford, Goodwin, Gregg, Grouby, Harper (O), Harvey, Hines, Horn, Howard, Jackson, Johnson (R. G.) Kelley, Kennedy, Letson, Lewis, McMillan, Manley, Minus, Moore, Olive, Payne, Pegues, Rains, Riddick, Seibels, Shoemaker, Smith (J), Smith (M), Stout, Tucker and Willis.

—41

*Nays:*

Reps. Bedsole, Blake, Brakefield, Cabaniss, Carter, Cates, Clark (G), Cobb, Daniels, Dixon, Gilmer, Grimsley, Hammett, Harper (T), Holley, Holmes, Johnson (Roy), Langford, McKee, Mitchell, Owens, Parker, Patton, Penry, Ray, Roberts, Sandusky, Sasser, Smith (C), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—42

#### AMENDMENT OFFERED

Rep. Reed offered the following amendment No. 1 to the bill, S. 312 as amended:

Amend Senate Bill 312, in the Synopsis, line 12, after the word "Education" by inserting Bullock and Dallas County Board of Education.

Further amend the bill in the Title, line 23, after the word "Education" and before the word "for" by inserting Bullock County Board of Education.

Further amend the bill, page 2, immediately following line 6 by inserting in Section 3 as follows:

There is hereby made a conditional appropriation of \$200,000 from the Alabama Special Educational Trust Fund for capital outlay purposes to the Bullock Co. Board of Education. This appropriation shall be conditioned upon the availability of funds in the ASETF and the approval by the Governor.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 13; Nays 7.

*Yeas:*

Reps. Clark (G), Cooley, Cosby, Edwards, Hines, Holley, Horn, Johnson (Roy), McMillan, Manley, Minus, Pegues and Tucker.

—13

*Nays:*

Reps. Daniels, Harper (T), Patton, Payne, Penry, Sandusky and Trammell.

—7



PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Reed offered the following amendment No. 2 to the bill, S. 312 as amended:

Amend Senate Bill 312, in the Synopsis, line 12, after the word "Education" by inserting Macon County Board of Education.

Further amend the bill in the Title, line 23, after the word "Education" and before the word "for" by inserting and Macon County Board of Education.

Further amend the bill, page 2, immediately following line 6 by inserting in Section 3 as follows:

Section 3. There is hereby made a conditional appropriation of \$200,000 from the Alabama Special Educational Trust Fund for capital outlay purposes to Macon Co. Board of Education. This appropriation shall be conditioned upon the availability of funds in the ASETF and the approval by the Governor.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 26; Nays 7.

*Yeas:*

Reps. Blake, Drinkard, Edwards, Escott, Grouby, Holley, Horn, Howard, Johnson (R. G.) Kennedy, Langford, McMillan, Minus, Nevett, Payne, Pegues, Ray, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Tucker and Whatley.

—26

*Nays:*

Reps. Albright, Gilmer, Hall, Harper (T), Lewis, McKee and Riddick.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Gregg offered the following amendment to the bill, S. 312 as amended:

Amend S. B. 312 on page 1, Section 1, line 33 after the word "Governor" continue said sentence by inserting the following:

shall, however, provide top priority to this conditional appropriation.

#### AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Gregg to the bill, S. 312 as amended, was tabled.

Yeas 38; Nays 23.

*Yeas:*

Reps. Barton, Bedsole, Bennett, Blake, Buskey, Cates, Cheatwood, Clark (G), Daniels, Dixon, Escott, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Langford, McKee, Manley, Mitchell, Olive, Owens, Penry, Ray, Sasser, Smith (C), Stewart, Trammell, Turnham, Venable, Warren, Whatley, Williams and Wyatt.

—38

*Nays:*

Reps. Adams (H), Albright, Carter, Cosby, Drinkard, Edwards, Ford, Gregg, Hall, Howard, Johnson (R. G.) Lewis, McMillan, Minus, Pegues, Rains, Riddick, Roberts, Shoemaker, Smith (M), Stout, Tucker and Willis.

—23

And the bill, S. 212 as amended, was read a third time at length and passed.

Yeas 57; Nays 9.

*Yeas:*

Reps. Albright, Amari, Barton, Bennett, Biddle, Carter, Cheatwood, Clark (G), Cosby, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Grouby, Hall, Hammett, Harvey, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.) Kennedy, Langford, Lewis, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Patton, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Smith (C), Smith (M), Stewart, Stout, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis and Zoghby.

—57

*Nays:*

Reps. Blake, Harper (T), Holley, Johnson (Roy), McKee, Mitchell, Parker, Sasser and Wyatt.

—9

#### H. 108 RECONSIDERED

Having previously filed a Motion in Writing, Rep. Carothers offered the motion to reconsider the vote by which the House non-concurred in the Senate amendment to the bill, H. 108, on the twenty-ninth legislative day.

And the bill:

H. 108. To amend Section 16-25-3, Code of Alabama 1975, to provide for the reopening of the teacher's retirement system so as to allow certain members to repay on or before the date of their retirement, any contributions previously withdrawn plus interest.

Was taken up.

SENATE MESSAGE

On motion of Rep. Carothers, the House concurred in and adopted the Senate amendment to the bill, H. 108, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Code of Alabama, 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1982, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 16-25-11, as amended, is hereby further amended to read as follows:

"§ 15-25-11. Creditable Service."

"(a) Under such rules and regulations as the board of control shall adopt, each person who was a teacher prior to October 1, 1940, and who under the provisions of this chapter makes up contributions plus 8% compound interest on such contributions for the time said teacher taught as a nonmember and who becomes a member prior to October 1, 1974, shall file a detailed statement of all service as a teacher rendered by him prior to October 1, 1940, for which he claims credit. The board of control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall it allow any credit for a period of absence without pay for more than one month's duration, nor shall more than one year of service be creditable for all service in one calendar year. Service rendered for a regular school year shall be equivalent to one year's service. Subject to the above restrictions and to such other rules and regulations as the board of control may adopt, the board of control shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed. Upon verification of the statements of service, the board of control shall issue prior service certificates certifying to each member the length of service rendered prior to October 1, 1940, with which he is credited on the basis of his statement of service. Any prior service certificate heretofore issued not providing for the maximum prior service to which the member is entitled shall be revised to include such credit. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, that any member may request the board of control to modify or correct his prior service certificate. When membership ceases, a prior service certificate shall become void. Should a teacher again become a member, he shall enter the system as a teacher not entitled to prior service credit. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member and also, if he has a prior service certificate, which is in full force and effect, the amount of the service certified on his prior service certificate."

"(b) Any teacher, or retired teacher, who became a member of the retirement system before July 1, 1973, and who prior to said date had been ineligible to receive credit for services rendered as a teacher prior to September 1, 1941, for reasons other than having taught as a nonmember shall be eligible under the rules and regulations adopted by the board of control in accordance with the provisions of this chapter to receive credit for all service as a teacher rendered by him prior to October 1, 1940; provided, that such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said fund; and provided, that said member has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system."

"(c) Any teacher who was a member of the Teachers' Retirement System as of September 9, 1955 shall be eligible to receive credit for service rendered as a state employee on a full time basis prior to October 1, 1945, under such rules and regulations as may be adopted by the board of control in accordance with the provisions of this chapter."

"(d) Anything in this chapter to the contrary notwithstanding, any teacher who is now a member of the teachers' retirement system or who becomes a member of the teachers' retirement system at a future date, who had previously withdrawn his funds from either the teachers' retirement system or the employees' retirement system or whose account had been terminated due to a five years absence shall have restored to him all creditable service, provided, that said teacher repays to the treasurer of the retirement system the amount previously returned to him including compounded interest of eight percent to the date of repayment, within eight months after completion of five years of contributing membership service or, if such teacher has already completed five years of contributing membership service on October 1, 1965, then within one year after such date prior to the date of retirement of said member."

"(e) Anything in this chapter to the contrary notwithstanding any teacher who has been retired from service and who is now receiving a service retirement allowance or a disability retirement allowance, pursuant to section 16-25-14, who had five years or more of contributing membership service in the teachers' retirement system immediately prior to being retired and who had previously withdrawn his funds either from the teachers' retirement system or the employees' retirement system or whose account had been terminated due to five years' absence shall have restored to him all creditable service; provided, that said retired teacher pays to the treasurer of the retirement system within one year after October 1, 1965 October 1, 1982, the amount previously returned to him including compound interest of eight percent to the date of repayment."

Section 2. Code of Alabama 1975, Section 36-27-11, as amended, is hereby further amended to read as follows:

"§ 36-27-11. Determination of prior creditable service; computation of creditable service at retirement; procedure for restoration of creditable service to certain persons; payment of make up contributions by certain persons."

"(a) Under such rules and regulations as the board of control shall adopt, each member who was an employee prior to October 1, 1945, and who has made up contributions for time served as a nonmember and who becomes a member prior to September 1, 1966, shall file a detailed statement of all

service as an employee rendered by him prior to October 1, 1945, for which he claims credit."

"(b) The board of control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall it allow any credit for a period of absence without pay of more than one month's duration, nor shall more than one year of service be creditable for all service in one calendar year."

"(c) Subject to the restrictions in subsection (b) of this section and to such other rules and regulations as the board of control may adopt, the board of control shall verify, as soon as practicable after the filing of the statements of service provided for in subsection (a) of this section, the service therein claimed."

"(d) Upon verification of the statements of service, the board of control shall issue prior service certificates certifying to each member the length of service rendered prior to October 1, 1945, with which he is credited on the basis of his statement of service. Any beneficiary retired prior to October 1, 1945, and any other person receiving a retirement allowance on account of a beneficiary retired prior to said date shall be entitled on and after said date to have his pension increased to take account of any service rendered as an employee established under the provisions of this article. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the board of control to modify or correct his prior service certificate. When membership ceases, such prior service certificate shall become void. Should the employee again become a member, he shall enter the system as an employee not entitled to prior service credit."

"(e) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also, if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate."

"(f) Any person who was a member of the retirement system on July 1, 1961, and who prior to said date had been ineligible to receive credit for service rendered as an employee prior to October 1, 1945, for reasons other than having been employed as a nonmember shall be eligible under the provisions of this article to receive credit for all service as an employee rendered by him prior to October 1, 1945; provided, that such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said funds and has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system."

"(g) Any member entitled to prior service credit as provided in this section who served as a teacher in the public schools or colleges of the state on a full-time basis prior to October 1, 1945, may claim prior service credit for all such service not otherwise creditable to him under the retirement system, such service, anything in this chapter to the contrary notwithstanding, to be considered service as an employee. Such claim shall be subject to such rules and regulations as the board of control shall adopt."

"(h) Anything in this article to the contrary notwithstanding, any employee who was a member of the retirement system as of August 2, 1957, or

who becomes any future employee (who becomes a member of the retirement system) who shall have previously withdrawn his funds from either the employees' retirement system or the teachers' retirement system or whose account shall have been terminated due to five years absence shall have restored to him all creditable service; provided, that said employee shall complete five years of contributing membership service after he again becomes a member of the retirement system and shall repay the amount previously returned to him, including regular compounded interest of eight percent to the date of repayment, to the treasurer of the retirement system within eight months after completion of five years of contributing membership service or, if such employee has already completed five years of contributing membership service as of August 2, 1957, then within eight months after said date prior to the date of retirement of said employee."

"(i) Anything in this article to the contrary notwithstanding, any employee who has been retired from service and who has been receiving a service retirement allowance or a disability retirement allowance, as of August 10, 1965 October 1, 1981, pursuant to section 36-27-16, who had five years or more of contributing membership service in the employees' retirement system immediately prior to being retired and who had previously withdrawn his funds from either the teachers' retirement system or the employees' retirement system or whose account had been terminated due to five years absence, shall have restored to him all credited service; provided that said retired member shall repay to the treasurer of the retirement system within eight months one year after August 10, 1965 October 1, 1982, the amount previously returned to him including regular compounded interest of eight percent to the date of repayment."

"(j) Anything in this article to the contrary notwithstanding, any member who has served as a county engineer shall be allowed to make contributions to the retirement system, together with regular interest to date of payment, on the basis of the amount he would have contributed had he as a county engineer been allowed to contribute on that part of his salary paid by the state highway department. Such makeup contribution shall be for service from October 1, 1945, to September 30, 1965, and shall be paid in a lump sum before January 1, 1966, whereupon after payment is received the member shall be credited with membership service based on the percentage of the salary as county engineer which was paid by said highway department funds."

"(k) Any member who was in service as a teacher in the public schools of Alabama subsequent to October 1, 1945, who resigned from service as a teacher to become employed by the state as a department head authorized to exercise sovereign power of the state may be allowed to make contributions to the retirement system, together with regular interest to date of payment, on the basis of the amount he would have contributed had he been allowed to become a member of the system upon such employment. Such make-up contributions shall be apaid in a lump sum before January 1, 1966."

Section 3. In the event that any section, sentence, clause, or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining sections, sentences, clauses, or portions of this Act, which shall continue effective.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

REGULAR SESSION  
30th Day

1985

Section 5. This Act shall become effective October 1, 1981, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 57; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Bowling, Carothers, Carter, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Horn, Johnson (R. G.) Johnson (Roy), Laird, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Stewart, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis and Zoghby.

—57

*Nay:* Rep. Holley.

—1

And the bill:

H. 108. To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1982, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

As amended was again read at length and passed.

Yeas 66; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Carothers, Carter, Cheatwood, Clark (G), Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Holmes, Horn, Johnson (R. G.) Johnson (Roy), Kelley, Laird, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

*Nay:* Rep. Holley.

—1

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 412. COMMENDING MRS. MARGARET COLE OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Smith (J):

H. R. 413. COMMENDING MR. DAVID BYERS OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

The following resolution was introduced:

By Rules Committee:

H. R. 414. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we reach the hour of 5:30 P.M. on Monday, April 26, 1982, if the House has not adjourned, the House shall stand in recess from 5:30 P.M. to 8:00 P.M.

On motion of Rep. Biddle, the resolution, H. R. 414, was adopted.

Yeas 76; Nays 5.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Moore, Névelt, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—76

*Nays:* Reps. Crow, Howard, Lewis, Patton and Wyatt.

—5

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 108. To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1982, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.



SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 269. TO EXTEND THE LIFE OF THE JOINT INTERIM COMMITTEE TO STUDY NEW GUIDELINES OF THE FARMERS HOME ADMINISTRATION.

On motion of Rep. Adams (H), the resolution, S. J. R. 269, was adopted.

Yeas 40; Nays 9.

*Yeas:*

Reps. Adams (H), Barton, Bedsole, Bennett, Boles, Carothers, Clark (G), Cobb, Coburn, Daniels, Drinkard, Edwards, Ford, Goodwin, Harper (T), Harrison, Higginbotham, Holley, Letson, Manley, Mitchell, Olive, Owens, Parker, Patton, Penry, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Smith (C), Starkey, Stout, Turner, Warren, Williams, Willis and Zoghby.

—40

*Nays:*

Reps. Buskey, Cooley, Holmes, Johnson (Roy), Kennedy, Nevett, Rains, Trammell and Wyatt.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER RESUMED

And the bill:

S. 379. To amend section 11-50-345, Code of Alabama 1975 so as to remove the maximum interest rate of ten (10%) percent per annum on the bonds authorized in that section to be issued by a board of water and sewer commissioners created under the provision of article 10, chapter 50, Title 11, Code of Alabama 1975 and otherwise to exempt such bonds from State usury laws, including, without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import.

Which previously was temporarily postponed, was taken up.

SUBSTITUTE OFFERED

Rep. Clark (G) offered the following substitute to the bill, S. 379:

A BILL  
TO BE ENTITLED  
AN ACT

To amend § 8-8-7 of the Code of Alabama 1975 in order to exempt from all laws governing usury any bonds, notes, warrants, other evidences of indebtedness or securities issued by the State of Alabama or any department, agency or instrumentality thereof or by any not-for-profit public or private corporation and by any board of water and sewer commissioners created under the provision of Article 10, chapter 50, Title 11, Code of Alabama 1975 and authorized to issue bonds under Section 11-50-345, Code of Alabama 1975 at any time created for the purpose of acting as an instrumentality of the State of Alabama or otherwise acting in the public interest.

Be It Enacted by the Legislature of Alabama:

Section 1. § 8-8-7 of the Code of Alabama 1975 is hereby amended to read as follows:

"Any bonds, notes, warrants, other evidences of indebtedness or securities issued by the State of Alabama or any department, agency or instrumentality thereof, by any not-for-profit public or private corporation at any time organized or created pursuant to act of the Legislature or executive order of the Governor for the purpose of acting as an instrumentality of the State of Alabama or otherwise acting in the public interest and by any board of water and sewer commissioners created under the provisions of Article 10, chapter 50, Title 11, Code of Alabama 1975 and authorized to issue bonds under Section 11-50-345, Code of Alabama 1975, by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education, are hereby exempted from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of this chapter."

Section 2. The provisions of this act are severable. If any provision of this act is declared invalid or unconstitutional, such declaration shall not affect any other provision hereof.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law. The provisions of this act shall apply to all bonds, notes, warrants, other evidences of indebtedness and securities issued and delivered to the purchasers thereof subsequent to the effective date of this act by any issuer made subject to the provisions of § 8-8-7 of the Code of Alabama 1975 by this act, even though such bonds, notes, warrants, other evidences of indebtedness and securities were authorized by the issuer thereof prior to such effective date.

## SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 49; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Carothers, Clark (G), Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grimsley, Harper (O), Higginbotham, Hines, Holmes,

Johnson (R. G.), Kennedy, Letson, McMillan, Minus, Moore, Nevett, Olive, Owens, Pegues, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—49

*Nays:*

Reps. Amari, Cooley, Harrison, Holley, Johnson (Roy), and Payne.

—6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 379 as amended, was read a third time at length and passed.

Yeas 63; Nays 5.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Grimsley, Grouby, Harper (O), Harrison, Higginbotham, Hines, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—63

*Nays:* Reps. Coburn, Cooley, Holley, Johnson (Roy) and Payne.

—5

#### RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Horn:

H. R. 415. COMMENDING MRS. LILLIE VIRGIL.

Also:

By Reps. Horn, Payne, Waggoner, Seibels, Bennett, Tucker, Gilmer, Jackson and Kennedy:

H. R. 416. COMMENDING REPRESENTATIVE SUNDRA E. ESCOTT UPON HER SELECTION AS ONE OF THE TEN OUTSTANDING YOUNG WOMEN OF AMERICA FOR 1981.

#### SPECIAL ORDER RESUMED

And the bill:

S. 468. (With Amendment): Proposing an amendment to the Constitution of Alabama prescribing certain procedures that will allow proposed

constitutional amendments which affect or apply to only one county to be adopted as an amendment to the constitution by a majority vote of the people of the county affected, provided that such proposed amendment has first been unanimously approved by a local constitutional amendment commission and then subsequently approved by a majority of the electors in the county affected.

Which previously was temporarily postponed, was taken up.

#### SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the bill, S. 468:

#### A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of Alabama prescribing certain procedures that will allow proposed constitutional amendments which affect or apply to only one county to be adopted as an amendment to the constitution by a majority vote of the people of the county affected, provided that such proposed amendment has first been unanimously approved by at least a three-fifths vote of the elected members of each house and unanimously approved by a local constitutional amendment commission and then subsequently approved by a majority of the electors in the county affected.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors of the state voting thereon and upon proclamation by the Governor:

#### PROPOSED AMENDMENT

Any proposed constitutional amendment which affects or applies to only one county shall be adopted as a valid part of the constitution by a majority vote of the people of the county so affected, provided that such proposed amendment has first been unanimously approved by at least a three-fifths vote of the elected members of each house and unanimously approved by a local constitutional amendment commission composed of the Governor, Lieutenant Governor, Attorney General, Secretary of State and Speaker of the House of Representatives and notice of such election, together with the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected. The proposed local constitutional amendment shall then be approved by a majority vote of the qualified electors of the county affected by such proposed amendment voting in a referendum election held for the purpose of determining if such proposed amendment shall become adopted as a valid part of the constitution.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 7.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Grouby, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.) Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—70

*Nays:*

Reps. Amari, Bennett, Jackson, Letson, Rains, Trammell and Tucker.

—7

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Pegues to indefinitely postpone the bill, S. 468 as amended, was lost.

Yeas 23; Nays 54.

*Yeas:*

Reps. Adams (H), Blake, Boles, Brakefield, Cheatwood, Clark (G), Crow, Edwards, Ford, Grimsley, Jackson, Letson, Manley, Minus, Moore, Nevett, Olive, Pegues, Rains, Reed, Trammell, Tucker and Williams.

—23

*Nays:*

Reps. Amari, Barton, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cooley, Cosby, Daniels, Dial, Drinkard, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, McKee, McMillan, Mitchell, Owens, Parker, Patton, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—54

## AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, S. 468 as amended:

Amend S. B. 468 on page 1, line 39 by (county adding) after the word the following:

and in any political subdivision thereof

and on line 13, page 2 after the word county, add the following:

and in any political subdivision thereof"

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Pegues, Perry, Rains, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

*Nays:* Reps. Cheatwood and Holley.

—2

## AMENDMENT OFFERED

Rep. Boles offered the following amendment No. 1 to the bill, S. 468 as amended:

Amend line 6 on page 2 by adding the following language between the word county. And the word shall "comma, but not to include the counties of Jefferson, Mobile and Montgomery"

## AMENDMENT TABLED

On motion of Rep. Turner, the amendment No. 1 offered by Rep. Boles to the bill, S. 468 as amended, was tabled.

Yeas 69; Nays 7.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Bowling, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Escott, Gafford, Gilmer, Grouby, Hammett, Harper (T), Harrison, Higginbotham, Hines, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Lewis, McMillan,

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Manley, Mitchell, Nevett, Owens, Parker, Patton, Payne, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—69

*Nays:*

Reps. Boles, Howard, Minus, Pegues, Rains, Turnham and Williams.

—7

AMENDMENT OFFERED

Rep. Boles offered the following amendment No. 2 to the bill, S. 468 as amended:

Amend line 6 on page 2 by adding the following language between the word county. And the word shall "comma, but not to include the counties of Jefferson"

AMENDMENT LOST

And the amendment was lost.

Yeas 7; Nays 25.

*Yeas:*

Reps. Boles, Cheatwood, Holmes, Howard, Rains, Starkey and Trammell.

—7

*Nays:*

Reps. Bennett, Biddle, Cabaniss, Carter, Escott, Gafford, Harper (T), Harrison, Horn, Jackson, Lewis, Moore, Nevett, Olive, Patton, Payne, Sasser, Seibels, Shavers, Smith (J), Smith (M), Stout, Venable, Wyatt and Zoghby.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 468 as amended, was read a third time at length and passed.

Yeas 69; Nays 11.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Escott, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Harrison, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Lewis,

McMillan, Mitchell, Nevett, Owens, Parker, Patton, Payne, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—69

*Nays:*

Reps. Boles, Cheatwood, Edwards, Jackson, Letson, McKee, Minus, Olive, Pegues, Rains and Williams.

—11

### RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Tucker:

H. R. 417. COMMENDING JOHN CARROLL HIGH SCHOOL'S JOE AYERS FOR ACADEMIC EXCELLENCE AND OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

By Rep. Tucker:

H. R. 418. COMMENDING AND CONGRATULATING HAYES HIGH SCHOOL OF BIRMINGHAM, ALABAMA, STATE 4A BASKETBALL CHAMPIONS FOR 1982.

Also:

By Rep. Tucker:

H. R. 419. COMMENDING G. W. CARVER HIGH SCHOOL IN BIRMINGHAM ON BEING RUNNER-UP FOR THE CLASS 4A HIGH SCHOOL FOOTBALL CHAMPIONSHIP IN 1981 AND ENCOURAGING THEM TO PRESS ON TO THE NO. 1 RANKING IN 1982.

Also:

The following resolutions were introduced:

By Reps. Stewart, Harper (T), Williams, Dial, Carothers, Gilmer and Shoemaker:

H. J. R. 420. COMMENDING THE HONORABLE ARNOLD F. WELLMAN, JR., STATE REPRESENTATIVE, CONNECTICUT GENERAL ASSEMBLY.

WHEREAS, affable, buoyant and congenial are the ABC's of the personality of Representative Arnold F. Wellman, Jr., a "Connecticut Yankee" and a new and dear friend to a couple of Rebels from Alabama; and

WHEREAS, on a recent sojourn to Washington, D. C., members of the Alabama Legislature were privileged to meet Representative Wellman, and to accompany him to a reception where he led them across "the Gang Plank"; and

WHEREAS, in exchange, Mr. Wellman's Alabama counterparts taught him to speak "Southern," enlarging his already voluminous vocabulary to



include such old Southern Standards as "grits" and "Bayou La Batre" and stock phrases such as "Y'all come" and "down yonder"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend the Honorable Arnold F. Wellman, Jr., from the great State of Connecticut and direct that he receive a copy of this resolution in token of friendship and warm regard from the great State of Alabama.

On motion of Rep. Stewart, the rules were suspended and the resolution, H. J. 420, was adopted.

Also:

By Rep. Johnson (Roy) and Holley:

H. R. 421. URGING GOVERNOR FOB JAMES TO ACT ON SENATE BILL 84.

WHEREAS, Senate Bill 84, having passed both the House and Senate, is in the Governor's Office awaiting his action; and

WHEREAS, this bill which relates to increases for retired teachers and state employees is of utmost importance to the health and welfare of this segment of our state's population; and

WHEREAS, it is the consensus of this body that the importance of Senate Bill 84 warrants immediate action by the Governor; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we urgently request Governor James to either affix his signature to Senate Bill 84 or to return same to the legislature with such executive amendments that would remove his objections to said bill.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform Governor James, by copy of this resolution, of this request of the Alabama House of Representatives.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 421, was adopted.

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. R. 421:

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Higginbotham, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Langford, McKee, Mitchell, Moore, Nevett, Olive, Owens, Patton, Penry, Rains, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Williams, Willis and Wyatt.

#### SPECIAL ORDER RESUMED

And the bill:

S. 188. To prohibit the Department of Pensions and Security from issuing rules requiring persons seeking to adopt children to cease employment.

Was taken up.

### SUBSTITUTE OFFERED

Rep. Smith (M) offered the following substitute to the bill, S. 188:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 26-19-1, Code of Alabama 1975, relating to adoption of children, so as to permit single person adoptions, and to prohibit the Department of Pensions and Security except in certain instances from promulgating rules requiring persons seeking to adopt children to cease employment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 26-10-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 26-10-1. Any proper adult person, or husband and wife jointly, may petition the probate court of the county in which he or they have a legal residence, or of the county in which the child resides, or of the county in which the child had legal residence when it became a public charge, or of the county in which is located any agency or institution operating under the laws of this state having guardianship and custody of the child, for leave to adopt a child and for a change of the name of such child. Such petition for adoption shall be accompanied by an official copy of the certificate of birth of the child and shall specify the name, age and place of residence of the child, the name, age and place of residence of the petitioner, the name by which the child shall be known, whether such child is possessed of any property and the full description of the property, if any, and whether the child has one or both parents living and, in case one or both are alive, then the name or names and place or places of residence of such father and mother, unless proven to be unknown to the petitioner; provided, that if such child sought to be adopted is by previous order of a court having jurisdiction under the legal guardianship and permanent custody of the state department of pensions and security or of an institution or agency licensed by the said department for the care of children, then the names of parents may be omitted from such petition, in which case the court shall cause such allegation and the petition to be verified. In such cases the copy of the certificate of the birth of the child shall not be required. No rule or regulation of the Pensions and Security Department shall prevent an adoption by a single person solely because such person is single."

Section 2. No rule or regulation of the Department of Pensions and Security shall prevent an adoption by a person/persons solely because the person/persons is employed outside the home, provided however, the Department of Pensions and Security may exercise sound discretion in requiring person/persons to remain in the home with a child for a reasonable period of time when a particular child requires the presence of that person/persons to insure his adjustment. Provided, however, said reasonable period of time shall not exceed sixty consecutive calendar days.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 52; Nays 2.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Campbell, Carter, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Gregg, Grouby, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Owens, Parker, Pegues, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Venable, Warren, Willis and Zoghby.

—52

*Nays:* Reps. Holley and Wyatt.

—2

And the bill, S. 188 as amended, was read a third time at length and passed.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Willis, Wyatt and Zoghby.

—74

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Gafford offered the motion to reconsider the vote by which the bill, S. 322 as amended, was lost, failing to receive a three-fifths vote of all those elected to the House.

MOTION TO TABLE LOST

The motion offered by Rep. Holmes to table the motion to reconsider offered by Rep. Gafford, was lost.

Yeas 25; Nays 46.

*Yeas:*

Reps. Albright, Boles, Brakefield, Cheatwood, Cobb, Gilmer, Hall, Harper (T), Harvey, Holley, Holmes, Howard, Jackson, Johnson (Roy), Laird, Langford, Naramore, Olive, Payne, Rains, Shavers, Smith (C), Stout, Turner, and Wyatt.

—25

*Nays:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carter, Clark (G), Crow, Daniels, Edwards, Escott, Ford, Gafford, Gregg, Grouby, Hammett, Higginbotham, Hines, Horn, Johnson (R. G.), Letson, Manley, Minus, Moore, Nevett, Owens, Parker, Patton, Pegues, Penry, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Waggoner, Warren, Whatley, Willis and Zoghby.

—46

## MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Rep. Gafford to reconsider the vote by which the bill, S. 322 as amended, was lost, failing to receive a three-fifths vote of all those elected to the House, and the motion to reconsider was adopted.

Yeas 44; Nays 26.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Campbell, Carter, Clark (G), Coburn, Daniels, Edwards, Escott, Gafford, Gregg, Grouby, Higginbotham, Hines, Horn, Johnson (R. G.), Kelley, Kennedy, Letson, McMillan, Manley, Minus, Moore, Owens, Patton, Pegues, Penry, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Waggoner and Zoghby.

—44

*Nays:*

Reps. Albright, Boles, Brakefield, Cabaniss, Cheatwood, Cobb, Ford, Gilmer, Hall, Harper (T), Holley, Holmes, Howard, Johnson (Roy), Laird, Langford, Mitchell, Naramore, Olive, Parker, Payne, Rains, Smith (C), Trammell, Turner and Wyatt.

—26

## S. 322 TEMPORARILY POSTPONED

On motion of Rep. Cabaniss, further consideration of the bill, S. 322 as amended, was temporarily postponed.

Yeas 50; Nays 22.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Campbell, Carter, Clark (G), Cobb, Coburn, Daniels, Edwards, Escott, Gafford, Grouby, Hammett, Harper (T), Higginbotham, Hines, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Owens, Patton, Pegues, Penry, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Waggoner and Zoghby.

—50

*Nays:*

Reps. Adams (H), Albright, Boles, Cheatwood, Cosby, Ford, Gilmer, Hall, Holley, Johnson (Roy), Laird, Langford, Mitchell, Olive, Payne, Rains, Sasser, Smith (C), Trammell, Tucker, Turner and Wyatt.

—22

### RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Holmes, Edwards, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. R. 422. HONORING MR. HENRY ELLIS OF LOWNDES COUNTY, ALABAMA.

Also:

By Rep. Waggoner:

H. R. 423. WISHING FORMER REPRESENTATIVE FRANCIS FALKENBURG A SPEEDY RECOVERY.

### SPECIAL ORDER RESUMED

And the bill:

S. 36. To authorize any Class 2, 3, 4, 5, 6, 7 or 8 municipality within the state of Alabama to adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to provide for the election and terms of the first council; to provide for the election and term of the mayor; to define the legal status, form of government and powers of the municipality; to provide for subsequent elections of members of the council and the mayor, their number and their terms of office; to provide for the qualifications, powers and authority of the council, the mayor, city clerk and the treasurer; and to provide for the appointment and removal and to define the powers of the city manager; to set up the terms and effects of succession in government of any municipality adopting the council-manager form of government; to provide for the establishment and reestablishment of districts and to make various other provisions for such form of government of any such municipality; and to provide for the means of abandoning the council-manager form of government.

Was read a third time at length and passed.

Yeas 76; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Lewis, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Tucker, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—76

*Nay:* Rep. Patton.

—1

And the bill:

S. 446. (With Substitute): To provide a salary increase by the State for the official court reporters, payable from the general fund of the state treasury; and to provide an effective date.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a salary increase by the state for the official court reporters, payable from the general fund of the state treasury; and to provide an effective date; and to limit pay raises for court reporters in the event that the pay raise bill for state employees passes the 1982 Regular Session of the Legislature; and to make the necessary appropriations from the general fund for such purposes of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation prescribed by Section 7-110 of Act No. 1205, S. 400, of the 1975 Regular Session (Acts 1975, p. 2384), and any laws heretofore or hereafter enacted, the salary paid to the official court reporter by the state, from the general fund of the state treasury shall be increased by an additional three thousand dollars (\$3,000.00) per annum upon passage of this act. Such amount necessary to fund this raise for FY 1981-82 and FY 1982-83 is hereby appropriated to the Unified Judicial System.

Section 2. In the event a pay raise bill for all state employees passes the 1982 Legislative Session and becomes law, then court reporters shall not be entitled to the pay raise granted in any such law passed in 1982 for all state employees.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

And the substitute was adopted.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Amari, Bedsole, Biddle, Blake, Brakefield, Buskey, Carter, Cates, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

And the bill, S. 446 as amended, was read a third time at length and passed.

Yeas 88; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—88

#### S. 55 TEMPORARILY POSTPONED

On motion of Rep. Manley, the bill, S. 55, was temporarily postponed.

And the bill:

S. 8. To make a supplemental appropriation to the State Board of Physical Therapy from the Physical Therapist Fund for the fiscal year ending September 30, 1982.

Was read a third time at length and passed.

Yeas 70; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer,

Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.), Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Pegues, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—70

*Nays:* Reps. Howard and Turner.

—2

### S. 462 TEMPORARILY POSTPONED

On motion of Rep. Riddick, the bill, S. 462, was temporarily postponed.

And the bill:

S. 62. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental and eye care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

Was read a third time at length and passed.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Blake, Buskey, Cabaniss, Carter, Cheatwood, Cobb, Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Holley, Holmes, Howard, Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

And the bill:

S. 337. (With Amendments): To provide authority for the state board of education to establish a state-funded scholarship program for students in Alabama's public institutions of higher education who are seeking teacher certification in secondary mathematics, chemistry, physics or general science; provide that the state board of education shall receive a letter of commitment from scholarship recipients; and provide for conditional termination of the scholarship program.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 337, Section 4, on Page 3, by adding the following on line 23:



In addition, should scholarship recipients who have completed their teacher training with the assistance of the scholarship program and have been awarded a certificate to teach fail to comply with the conditions of the letter of compliance, the State Superintendent of Education shall be authorized to revoke the teaching certificate of the recipients.

Further amend Senate Bill 337, on page 1, lines 15 and 29 by adding the word "biology" following the word "physics."

Further amend Senate Bill 337, Section 2, on page 2, line 18 by adding the word "biology" following the word "chemistry."

Further amend Senate Bill 337, Section 4, on page 3, line 8 by adding the word "biology" following the word "physics."

And the amendment was adopted.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Blake, Carothers, Carter, Cates, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Howard, Johnson (R. G.), Laird, McMillan, Minus, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—55

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 337 on page one by striking the word "public" on lines 12 and 27.

Further amend Senate Bill 337 on page one by striking the semi-colon after the word "science" on lines 15 and 29, and inserting the following language:

through enrollment in a State Board of Education approved teacher education program;

Further amend Senate Bill 337 on page two by striking the word "public" on lines 9, 16 and 33.

Further amend Senate Bill 337 on page two by striking the semi-colon after the word "science" on line 18 and inserting the following language:

through enrollment in a State Board of Education approved teacher education program;

And the amendment was adopted.

Yeas 53; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Blake, Carothers, Carter, Cates, Cheatwood, Cobb, Cosby, Crow, Daniels, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T),

Harrison, Higginbotham, Hines, Howard, Johnson (R. G.), Laird, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Warren, Williams, Willis and Wyatt.

—53

## AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, S. 337 as amended:

Amend S. B. 337 on page 3, line 21 by striking after the word is the following word

“authorized to” and add in lieu thereof shall pursue

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 42; Nays 0.

*Yeas:*

Reps. Blake, Brakefield, Carter, Cates, Cheatwood, Cosby, Daniels, Dial, Dixon, Edwards, Escott, Goodwin, Grouby, Hammett, Harper (O), Harrison, Higginbotham, Horn, Howard, Lewis, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Venable, Warren, Whatley, Williams, Wyatt and Zoghby.

—42

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 337 as amended, was read a third time at length and passed.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Whatley, Williams, Wyatt and Zoghby.

—69

And the bill:

S. 453. (With Amendment): To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend S. B. 453 on page 7, Section 15, line 5 by striking the word "severalbe" and inserting in lieu thereof the word "severable."

And the amendment was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Blake, Brakefield, Carter, Cobb, Cosby, Daniels, Dixon, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Higginbotham, Hines, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, McMillan, Minus, Moore, Nevett, Olive, Owens, Parker, Penry, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Warren, Whatley, Williams, Wyatt and Zoghby.

—49

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### S. 453 TEMPORARILY POSTPONED

On motion of Rep. Manley, the bill, S. 453 as amended, was temporarily postponed.

And the bill:

S. 236. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

Was taken up.

#### AMENDMENT OFFERED

Rep. Moore offered the following amendment to the bill, S. 236:

Amend Substitute for S. 236 on page 2, Section 2, on line 15, after the word "law;" by deleting the following language through line 18.

provided, however, that it shall not become operative until the beginning of the next term of office of the members of the boards of registrars of this state.

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

And the bill, S. 236 as amended, was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

And the bill:

S. 2. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

Was taken up.

## SUBSTITUTE OFFERED

Rep. Amari offered the following substitute to the bill, S. 2:

A BILL  
TO BE ENTITLED  
AN ACT

To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools and to provide penalties for failure to report said incidents.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of the Act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(a) "Incident" shall mean any act of physical violence, with or without a weapon, trespass, vandalism, or property damage which occurs: (a) on school property; or (b) during school activities, on or off school property; or (c) at any other times when such incident can be reasonably related to school functions. Provided, however, that incidents involving only students from the same school wherein no dangerous weapon was involved and no bodily injury requiring medical attention occurs shall not be required to be reported as provided herein. All attacks or incidents involving teachers or other school personnel shall be promptly reported.

(b) "Principal" means the principal or top administrator of any public elementary, junior or senior high school at which the incident occurred.

(c) "Superintendent of education" means the superintendent of the county or city board of education in the county in which the school is located.

(d) "Report" means a written narrative report of an incident, the number and names and addresses of persons involved in the incident, the type of any weapon involved and a description of any injury or damage resulting from the incident. Said report shall contain the names and addresses of all known persons present at the time of said incident.

(e) "Teacher and other school employee" means an employee of any public elementary, junior or senior high school at which the incident occurred.

(f) "School board" means the board of education

(g) "County sheriff" means the sheriff of the county in which the public school is located.

Section 2. It is the intention of the Legislature by passage of the Act to require principals, teachers and other school employees of public elementary, junior and senior high schools to make reports of violent disruptive incidents occurring on school property during school hours or during school activities conducted on or off school property after school hours or at any other time when such incident can be reasonably related to school or school functions and to provide for penalties for failure to report such incidents.

Section 3. Principals shall file a report within 72 hours with the superintendent of education of any incident of which they have knowledge. A copy of the report shall also be furnished members of the school board and the county sheriff by the superintendent of education.

Section 4. Teachers and other school employees shall immediately report to the principal of any incident of which they have knowledge. Said teacher and employee shall assist the principal in the preparation of the report required under Section 3 of this Act.

Section 5. Any superintendent of education, principal, teacher, or employee who violates the provisions of this Act by failure to file a required report shall be guilty of a Class C misdemeanor.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective on the first day that the public elementary, junior and senior high schools begin classes for the 1982-83 school year.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Blake, Brakefield, Campbell, Carter, Cates, Cobb, Coburn, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Hines, Holley, Holmes, Horn, Howard, Johnson (Roy), Letson, Lewis, Mitchell, Naramore, Nevett, Olive, Owens, Penry, Rains, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Ward, Warren and Williams.

—55

And the bill, S. 2 as amended, was read a third time at length and passed.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Holley, Holmes, Howard, Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Ward, Warren, Williams and Willis.

—69

#### RESOLUTION

The following resolution was introduced:

By Reps. Smith (M), Riddick and Smith (J):

H. J. R. 424. NAMING THE OVERPASS AT THE INTERSECTION OF GOVERNOR'S DRIVE AND THE MEMORIAL PARKWAY IN HUNTSVILLE, ALABAMA, "THE AMERICAN LEGION BRIDGE."

WHEREAS, the Legislature of Alabama wishes to acknowledge the long history of the American Legion; and

WHEREAS, regardless of its many involvements, the American Legion's main purpose has been the rehabilitation of veterans, a purpose that has been extended to each new group of veterans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of the American Legion, the overpass or bridge at the intersection of Governor's Drive and the Memorial Parkway in Huntsville, Alabama, is herewith given the name of "The American Legion Bridge."

BE IT FURTHER RESOLVED, That the Madison County American Legion shall erect and maintain the sign so designating the bridge, and that a copy of this resolution be forwarded to Mr. Rex Luna of Huntsville.

On motion of Rep. Smith (M), the rules were suspended and the resolution, H. J. R. 424, was adopted.

### S. 39 AGAIN TAKEN UP

And the bill, S. 39, which was previously temporarily postponed as amended, was again taken up.

### SUBSTITUTE OFFERED

Rep. Starkey offered the following substitute No. 2 to the bill, S. 39 as amended:

### A BILL TO BE ENTITLED AN ACT

To provide for additional judgeships for certain judicial circuits of Alabama; to provide for the appointment of the first judge to fill said judgeships; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judges; to increase the number of circuit judges in certain judicial circuits by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of certain judicial circuits shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division in certain judicial circuits.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created one additional circuit judgeship for each of the following judicial circuits: 11th, 12th, 13th, 15th, 27th, 28th and 32nd. There is hereby created three additional judgeships for the 10th Judicial Circuit. The existing judgeships of said circuits shall continue to be designated in their present manner and the additional judgeship shall be properly numbered. The first judge of each additional judgeship created by this Act shall be appointed under the provisions of Section 7 of this Act.

Section 2. The judge of said new circuit judgeships shall have and exercise all of the jurisdiction, powers, rights and authority, and possess all of the qualifications, perform all of the duties and be subject to all of the pains, obligations and penalties that other circuit judges may exercise, perform or be subject to.

Section 3. The additional circuit judges provided for in this Act shall receive the same salary and supplements, payable in the same manner, as the other circuit court judges of their respective judicial circuit.

Section 4. Section 12-17-20, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit.

"(3) There shall be three circuit judges in the fifth judicial circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 20 23 circuit judges in the tenth judicial circuit.

"(9) There shall be two three circuit judges in the eleventh judicial circuit.

"(10) There shall be two three circuit judges in the twelfth judicial circuit.

"(11) There shall be nine ten circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six seven circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

"(14) There shall be four circuit judges in the sixteenth judicial circuit.

"(15) There shall be three circuit judges in the eighteenth judicial circuit.

"(16) There shall be two circuit judges in the nineteenth judicial circuit.

"(17) There shall be three circuit judges in the twentieth judicial circuit.

"(18) There shall be two circuit judges in the twenty-second judicial circuit.

"(19) There shall be six circuit judges in the twenty-third judicial circuit.

"(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

"(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

"(22) There shall be two three circuit judges in the twenty-seventh judicial circuit.

"(23) There shall be two three circuit judges in the twenty-eighth judicial circuit.



"(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

"(25) There shall be two circuit judges in the thirtieth judicial circuit.

"(26) There shall be two circuit judges in the thirty-first judicial circuit.

"(27) There shall be two three circuit judges in the thirty-second judicial circuit.

"(28) There shall be two circuit judges in the thirty-third judicial circuit.

"(29) There shall be two circuit judges in the thirty-seventh judicial circuit.

"(30) There shall be two circuit judges in the thirty-eighth judicial circuit."

Section 5. The presiding circuit judge of each judicial circuit shall be selected as otherwise provided by law or court rule.

Section 6. The presiding circuit judge of the Eleventh, Twelfth, and Twenty-seventh Judicial Circuits shall be authorized and empowered to designate either a district judge or a circuit judge of said judicial circuits as the juvenile court judge of each respective circuit. Said designation shall be in writing and shall be made only after advising with the circuit and district judges. The presiding circuit judge shall further have the power and authority to establish, by means of a written order, a Family Court Division of the Eleventh and Twenty-seventh Judicial Circuits and to assign one of the circuit or district judges to preside over said division. In the event a district court judge is assigned to preside over the Family Court Division as provided herein, such judge shall have the same powers and authority as a circuit court judge to handle all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony and all other domestic and marital matters over which the circuit court has jurisdiction and such district judge shall serve as an ex officio circuit judge when handling such cases.

Section 7. There is hereby appropriated a sum not to exceed \$1,042,855 to the Unified Judicial System for fiscal year 1982-83, to be conditioned upon the condition of the general fund and upon approval of the Governor for the support and maintenance of the additional judgeships. If the Governor, at any time during fiscal year 1982-83 releases this conditional appropriation, he shall make appointments filling said positions as provided by law.

Section 8. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law. Provided, however, the provisions of Section 4 of this Act shall become effective as to a respective judicial circuit only upon the date the Governor authorizes the appropriation provided in Section 7 to said judicial circuit.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 43; Nays 4.

*Yeas:*

Reps. Barton, Bedsole, Carter, Cobb, Coburn, Cooley, Cosby, Daniels, Dixon, Escott, Goodwin, Grouby, Harvey, Higginbotham, Hines, Holley, Holmes, Kelley, Kennedy, Letson, McMillan, Minus, Nevett, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Ward, Warren, Whatley, Wyatt and Zoghby.

—43

*Nays:* Reps. Cheatwood, Harrison, Rains and Riddick.

—4

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### AMENDMENT OFFERED

Rep. Pegues offered the following amendment to the bill, S. 39 as amended:

Amend Senate Bill 39, Section 4, page 2, line 19, after the word "be" by striking two and inserting in lieu thereof four.

Further amend the bill, page 3, line 28, after the word "be" by striking two and inserting in lieu thereof three

Further amend the bill, page 3, immediately following line 1, by inserting a new item (15) and renumbering the remaining items accordingly. New Item (15) to read as follows:

(15) There shall be two circuit judges in the seventeenth judicial circuit.

Further amend the bill, page 4, line 28, after the words "sum of" by striking ninety four thousand eight hundred and five dollars and inserting in lieu thereof four hundred seventy four thousand and twenty-five dollars.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 52; Nays 2.

*Yeas:*

Reps. Bedsole, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Edwards, Escott, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Holley, Holmes, Johnson (R. G.), Kelley, Letson, Lewis, Manley, Minus, Moore, Nevett, Olive, Owens, Patton, Pegues, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Warren, Whatley, Williams, Willis and Wyatt.

—52

*Nays:* Reps. Gilmer and Rains.

—2

MOTION TO POSTPONE

Rep. Cates offered the motion to postpone further consideration of the bill, S. 39 as amended until 11:30 o'clock p.m.

SUBSTITUTE MOTION OFFERED

Rep. Starkey offered the substitute motion to pass the bill, S. 39 as amended.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Cates to the motion as substituted, to indefinitely postpone the bill, S. 39 as amended, was lost.

Yeas 26; Nays 42.

*Yeas:*

Reps. Cates, Cheatwood, Crow, Daniels, Dial, Gilmer, Grimsley, Harrison, Harvey, Horn, Howard, Johnson (Roy), Mitchell, Olive, Owens, Payne, Rains, Riddick, Seibels, Shavers, Shoemaker, Stout, Trammell, Ward, Warren and Whatley.

—26

*Nays:*

Reps. Adams (H), Amari, Barton, Bennett, Biddle, Bowling, Carter, Cobb, Coburn, Cooley, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Harper (T), Higginbotham, Hines, Holley, Holmes, Jackson, Kelley, Langford, Letson, Lewis, McKee, McMillan, Nevett, Parker, Patton, Pegues, Penry, Ray, Sandusky, Smith (J), Starkey, Tucker, Turner, Waggoner, Wyatt and Zoghby.

—42

RECESS

On motion of Rep. Biddle and pursuant to the resolution, H. R. 414, heretofore adopted, the House recessed until 8:00 o'clock p.m.

Yeas 57; Nays 29.

*Yeas:*

Reps. Barton, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Gilmer, Grimsley, Grouby, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Trammell, Turnham, Waggoner, Ward, Warren, Whatley and Williams.

—57

*Nays:*

Reps. Adams (C), Adams (H), Amari, Bennett, Bowling, Cobb, Coburn, Cooley, Dixon, Ford, Goodwin, Hammett, Higginbotham, Holmes, Kelley,

Kennedy, Langford, Letson, Owens, Parker, Patton, Ray, Sandusky, Smith (J), Starkey, Stewart, Turner, Venable and Wyatt.

—29

## HOUSE RECONVENED

The hour of 8:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 188. To amend Section 26-19-1, Code of Alabama 1975, relating to adoption of children, so as to permit single person adoptions, and to prohibit the Department of Pensions and Security except in certain instances from promulgating rules requiring persons seeking to adopt children to cease employment.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 96. Relating to the Department of Youth Services; to designate the department as a special school district within the state; to designate a position of superintendent of education for the special district with the responsibility for administering the education programs of the Department of Youth Services in conjunction with its director; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to grandfather the teaching employees of the Department of Youth Services who have been employed by the Department for at least six months and have been granted tenure as of the date that this act becomes effective; to provide non-teaching personnel coverage under the state merit system; to provide for an employment procedure for new personnel to be hired after this Act is in effect; to provide for a salary schedule for all personnel of the Department; to provide for the continuation of leave days and other benefits available to the effective date of this Act; to provide that the Youth Services Board and the superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendent as do county boards of education and county superintendents; and to provide that the provisions of this act shall be construed in pari materia with Title 44, Chapter 1 and Chapter 2, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 420. COMMENDING THE HONORABLE ARNOLD F. WELLMAN, JR., STATE REPRESENTATIVE, CONNECTICUT GENERAL ASSEMBLY.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bills:

S. 418. To regulate the practice of Interior Design; to provide for the registration of qualified persons as professional Interior Designers; to create the Alabama State Board of Registration for Interior Designers; to provide for the appointment of its members; to fix the term of the members of the Board and to define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish the Interior Designer Fund; and to provide for the enforcement of this act.

Also:

S. 343. To provide a mechanism for funding of multi-service programs designed to promote economic self-sufficiency among low-income citizens of the State of Alabama; providing that 95% of monies received from the Community Services Block Grant Act shall be appropriated to Community Action Agencies as prescribed herein; to provide an allocation schedule; to designate eligible Community Action and certain other agencies under this act; to prescribe duties and responsibilities of Community Action Agencies; to define certain other agencies to be named limited purpose agencies which shall qualify for funds under the provisions of this act and to provide for the administration of the programs of such agencies and to prescribe their duties and responsibilities; to define service areas for Community Action Agencies and limited purpose agencies; to prescribe guidelines for the operation of Community Action Programs under this act.

Also:

S. 446. To provide a salary increase by the state for the official court reporters, payable from the general fund of the state treasury; and to provide an effective date; and to limit pay raises for court reporters in the event that the pay raise bill for state employees passes the 1982 Regular Session of the Legislature; and to make the necessary appropriations from the general fund for such purposes of this act.

Also:

S. 468. Proposing an amendment to the Constitution of Alabama prescribing certain procedures that will allow proposed constitutional amendments which affect or apply to only one county to be adopted as an amendment to the constitution by a majority vote of the people of the county

affected, provided that such proposed amendment has first been unanimously approved by at least a three-fifths vote of the elected members of each house and unanimously approved by a local constitutional amendment commission and then subsequently approved by a majority of the electors in the county affected.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 788. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Teague, Proctor, and Holmes.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bills:

S. 2. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools and to provide penalties for failure to report said incidents.

Also:

S. 337. To provide authority for the state board of education to establish a state-funded scholarship program for students in Alabama's institutions of higher education who are seeking teacher certification in secondary mathematics, chemistry, physics biology or general science through enrollment in a State Board of Education approved teacher education program; provide that the state board of education shall receive a letter of commitment from scholarship recipients; and provide for conditional termination of the scholarship program.

Also:

S. 517. Relating to School District One, Madison County; authorizing the county governing body of Madison County to levy, assess and collect a one percent sales and use tax in school District One, Madison County, in order to raise funds for the operation of the public schools in School District One, Madison County; providing certain limitations on the levying of the tax; providing for the enforcement and collection of the tax and distribution thereof; prescribing the purposes for which such proceeds may be used; providing for a referendum on said tax.

Also:

S. 236. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

Also:

S. 266. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of roads, highways, or railroads without permission from adjacent landowner, so as to increase penalties for the violation thereof.

Also:

S. 312. To make a conditional appropriation from the Alabama Special Educational Trust Fund to Madison, Dallas, Bullock and Macon County Boards of Education, and the Bessemer Board of Education for capital outlay purposes to be used to restore or replace the Central School and Jess Lanier High School and Dallas County High School at Plantersville which were destroyed by fire.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 796. Relating to Lamar County; to provide that 10% of all funds accruing to Lamar County or any municipality therein from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, shall be transferred to the county education department to be used for additional classroom supplies and equipment and certain capital outlay purposes, and to provide for the method of distributing said money.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 383. To prohibit the possession or sale of certain brass or steel teflon-coated handgun ammunition; to provide exemptions; and to prescribe penalties for violations.

Also:

H. 305. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewals entered into by municipalities for sanitation services.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 61. To amend Sections 11-42-21 and 11-42-22, Code of Alabama 1975, to eliminate the population requirements and thereby make the Sections applicable to all incorporated municipalities.

Also:

H. 768. To authorize any industrial development board, heretofore or hereafter organized under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, or Article 4 of Chapter 54 of Title 11 of the Code of Alabama 1975, as amended, to sell and issue its bonds for, and to acquire, construct, enlarge, improve, replace, equip, maintain, use, operate, lease and dispose of, certain facilities for the use of any such industrial development board and certain other organizations, associations and foundations.

Also:

H. 240. To amend Act No. 81-965, the FY 82 Education Appropriation Act, to move \$735,521 from capital outlay to general operating and maintenance purposes.

McDOWELL LEE,  
Secretary.

## SPECIAL ORDER RESUMED

## S. 39 RESUMED

And the bill, S. 39 as previously amended, was again read at length and passed.

Yeas 25; Nays 20.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Buskey, Clark (G), Clark (W), Coburn, Cooley, Cosby, Edwards, Goodwin, Grouby, Harper (T), Higginbotham, Hines, McMillan, Manley, Parker, Penry, Ray, Sandusky, Starkey, Stewart, Turner and Ward.

—25

*Nays:*

Reps. Adams (C), Brakefield, Cheatwood, Grimsley, Hammett, Holley, Howard, Johnson (Roy), Laird, Mitchell, Naramore, Olive, Payne, Pegues, Rains, Riddick, Roberts, Sasser, Smith (C) and Whatley.

—20

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.



And the bill:

S. 44. To provide that all teachers, administrative supervisory personnel, full time support employees, and adult school bus drivers at the Kate Duncan Smith High School in Grant, Alabama, shall, if they desire coverage, receive the hospital medical insurance supplement provided by the state for other such employees in the public schools of Alabama.

Was read a third time at length and passed.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bowling, Brakefield, Campbell, Carothers, Cates, Clark (G), Coburn, Cooley, Cosby, Dial, Dixon, Edwards, Escott, Ford, Goodwin, Grimsley, Grouby, Harvey, Hines, Holley, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Stout, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—58

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Adams (C) to suspend the rules in order to take up out of order the bill, S. 29, was lost, lacking a four-fifths vote.

Yeas 39; Nays 18.

*Yeas:*

Reps. Adams (C), Albright, Biddle, Campbell, Carter, Clark (G), Cobb, Cooley, Daniels, Dial, Dixon, Edwards, Gilmer, Grimsley, Grouby, Hall, Higginbotham, Hines, Holmes, Laird, Langford, Lewis, McMillan, Manley, Minus, Olive, Parker, Payne, Penry, Reed, Riddick, Shavers, Stout, Venable, Warren, Whatley, Willis, Wyatt and Zoghby.

—39

*Nays:*

Mr. Speaker, Adams (H), Barton, Brakefield, Coburn, Harrison, Holley, Howard, Johnson (R. G.), Johnson (Roy), McKee, Naramore, Rains, Ray, Seibels, Smith (C), Turner and Ward.

—18

#### MOTION TO SUSPEND RULES

Rep. Holley offered the motion to suspend the rules and take up out of order the bill, S. 195.

#### DIVISION OF THE QUESTION

Rep. Sasser called for the Division of the Question and the call was sustained.

#### MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holley to suspend the rules and the motion was lost, lacking a four-fifths vote.

Yeas 36; Nays 30.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Buskey, Carter, Cheatwood, Cobb, Coburn, Cooley, Drinkard, Edwards, Ford, Goodwin, Grouby, Hall, Harper (O), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Naramore, Rains, Reed, Shoemaker, Starkey, Turner, Venable, Warren, Whatley and Wyatt.

—36

*Nays:*

Reps. Adams (C), Amari, Barton, Bedsole, Cabaniss, Clark (G), Cosby, Dial, Dixon, Gafford, Gilmer, Hammett, Hines, Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Olive, Owens, Parker, Payne, Pegues, Riddick, Seibels, Waggoner, Ward and Zoghby.

—30

And the bill:

S. 215. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-29-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

Was read a third time at length and passed.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Boles, Brakefield, Buskey, Campbell, Carter, Cheatwood, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Higginbotham, Hines, Holley, Holmes, Howard, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Mitchell, Naramore, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

#### MOTION TO TEMPORARILY POSTPONE

Rep. Holmes offered the motion to temporarily postpone the bill, S. 276.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Turner, the motion offered by Rep. Holmes to temporarily postpone the bill, S. 276, was tabled.

Yeas 35; Nays 11.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Carter, Cheatwood, Cobb, Cooley, Cosby, Edwards, Grimsley,

Harper (O), Johnson (R. G.), Laird, McKee, Manley, Minus, Naramore, Pegues, Rains, Sandusky, Sasser, Shoemaker, Smith (C), Trammell, Turner, Waggoner, Warren, Whatley, Williams and Zoghby.

—35

*Nays:*

Reps. Albright, Coburn, Hall, Holley, Holmes, Horn, Howard, Moore, Seibels, Starkey and Wyatt.

—11

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### S. 276 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bill, S. 276, was temporarily postponed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 243. URGING THE AUBURN BOARD OF TRUSTEES TO CONSIDER NAMING A BUILDING ON CAMPUS FOR ROBERT BRYANT STRONG.

Also:

S. J. R. 246. REQUESTING THE STATE DEPARTMENT OF REVENUE TO IMMEDIATELY CEASE COLLECTION OF STATE SALES TAX ON FEES CHARGED BY PUBLIC GOLF COURSES.

Also:

S. J. R. 268. ENCOURAGING THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BIRMINGHAM TO USE ANY UNPLEDGED NEW MONEY COMING IN UNDER THE RECENTLY ENACTED LEVELIZED BEER TAX TO PAY CITY EMPLOYEE PAY RAISES AND LONGEVITY PAY.

Also:

S. 91. Relating to Class I municipalities, and any municipality having a population of 250,000 or more according to the last or any subsequent federal decennial census, to authorize the Mayor of any such municipality in this state to employ for and on behalf of said municipality a Chief Administrative Assistant to the Mayor, to provide how the maximum salary of the Chief Administrative Assistant shall be determined by the Mayor, to preserve salary and merit system rights of classified employees appointed to the Mayor's staff, and to provide that such employee shall not be subject to any merit system while serving on the Mayor's staff but shall be a member of any pension system applicable to merit system employees, provided application for such membership be made within thirty (30) days of appointment.

Also:

S. 182. To provide authority for the state board of education to appoint a Chancellor to serve as the chief executive officer of the board to assist the board in carrying out its authority and responsibility to operate and manage the junior colleges and trade schools, and Athens College; to create a department of postsecondary education provide that the board shall set salary of its chief executive officers; establish the authority of the board and Chancellor regarding the junior colleges and trade schools and the Office of the Chancellor; and provide authority for administrative actions necessary to govern the junior colleges and trade schools.

Also:

S. 339. To amend Section 20-2-53, Code of Alabama, 1975, to provide for an appeal of any action of a certifying board denying, suspending or revoking a registration or refusing the renewals of a registration whether or not such suspension, revocation, or registration is limited; to specify the procedure for taking such an appeal including the time within which a petition for review must be filed; to provide that the venue for an appeal shall be in the Circuit Court of Montgomery County; to provide that the Circuit Court is specifically authorized to exercise its own discretion as to questions of fact as well as law; to provide that the effect of a certifying board's order shall be stayed pending the Circuit Court's determination of the case; to provide for an appeal from the judgment of the Circuit Court; to provide that a decision of the Circuit Court shall not be stayed or held in abeyance pending further appeal; and to provide that the provisions of this act shall take precedence over the provisions of the Alabama Administrative Procedure Act.

Also:

S. 340. To further specify venue for the judicial review of the administrative decisions of the State Board of Medical Examiners and the Medical Licensure Commission.

Also:

S. 509. Relating to Shelby County; to provide for an additional expense allowance for the Commission Chairman.

Also:

S. 520. Relating to the Town of Loxley in Baldwin County; authorizing the Town of Loxley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. 527. To amend subsection (e) of Section 14 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Act, 1965, pages 717-739) which said Act No. 497 established a pension system for officers and

employees of Jefferson County, which said Section 14 was last amended by Act No. 1060 of the Regular Session of the Legislature of Alabama of 1981.

Also:

S. 532. Relating to Barbour County; to provide further for the expense allowance of the coroner.

Also:

S. 545. Relating to Franklin County; providing further for the compensation of the probate judge and providing for an effective date.

Also:

S. 546. To propose an amendment to the Constitution of Alabama of 1901 relating to court costs and the compensation of the judge of probate of Franklin County.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### SPECIAL ORDER RESUMED

And the bill:

S. 422. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of certain probate judges so as to provide further for the minimum compensation for such officials.

Was taken up.

#### SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the bill, S. 422:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of certain probate judges so as to provide further for the minimum compensation for such officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-13-20, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 12-13-20. (a) No probate judge who is on a salary and who serves as chairman of the county commission shall receive total compensation less than \$25,000 \$30,000 per year for serving as chairman and probate judge. This section in no way affects probate judges earning more than \$25,000 \$30,000 per year.

(b) No probate judge who is on salary and who does not serve as chairman of the county commission shall receive total compensation less than \$22,500 \$27,500 per year. This section in no way affects those probate judges earning more than \$22,500 \$27,500 per year.

(c) Any necessary funds needed to ensure a probate judge shall receive a total compensation of \$25,000 \$30,000 per year or \$22,500 \$27,500 per year as the case may be, shall be paid out of the respective county's general fund.

(d) The provisions of this section shall not affect the compensation of probate judges of counties where said judges are compensated on the basis of the fee system."

Section 2. This act shall become effective October 1, 1982.

### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 53; Nays 3.

*Yeas:*

Mr. Speaker, Barton, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Clark (G), Cobb, Coburn, Cooley, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Higginbotham, Holmes, Horn, Howard, Kennedy, Langford, McKee, Manley, Mitchell, Moore, Naramore, Parker, Ray, Reed, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—53

*Nays:* Reps. Cheatwood, Holley and Rains.

—3

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. J. R. 269. TO EXTEND THE LIFE OF THE JOINT INTERIM COMMITTEE TO STUDY NEW GUIDELINES OF THE FARMERS HOME ADMINISTRATION.

Also:

S. 56. To exempt incorporated municipalities and incorporated municipal boards of this state from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama 1975; to establish an effective date.

Also:

S. 66. To remove the requirement of driver education for graduation; to require local school systems to provide the opportunity for driver education; to provide for the protection of driver education teachers currently employed and provide requirements for optional driver education courses.

Also:

S. 96. Relating to the Department of Youth Services; to designate the department as a special school district within the state; to designate a position of superintendent of education for the special district with the responsibility for administering the education programs of the Department of Youth Services in conjunction with its director; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to grandfather the teaching employees of the Department of Youth Services who have been employed by the Department for at least six months and have been granted tenure as of the date that this act becomes effective; to provide non-teaching personnel coverage under the state merit system; to provide for an employment procedure for new personnel to be hired after this Act is in effect; to provide for a salary schedule for all personnel of the Department; to provide for the continuation of leave days and other benefits available to the effective date of this Act; to provide that the Youth Services Board and the superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendent as do county boards of education and county superintendents; and to provide that the provisions of this act shall be construed in pari materia with Title 44, Chapter 1 and Chapter 2, Code of Alabama 1975, and shall supersede and repeal such provision of law only to the extent there exists a conflict herewith.

Also:

S. 193. To amend Section 10-2A-25, Code of Alabama 1975, as amended, so as to provide that the name of the corporation, if a bank, need not use the word "corporation," "incorporated," or an abbreviation thereof, but instead shall use the words "bank," "banking" or "bankers."

Also:

S. 267. To amend Section 9-11-235, Code of Alabama 1975, relating to nighttime hunting, so as to increase and amend certain penalties for the violation thereof.

Also:

S. 269. To amend Section 9-11-241, Code of Alabama (1975), relating to daytime hunting on the lands of another, so as to increase certain penalties for the violation thereof.

Also:

S. 270. To amend Section 9-11-242, Code of Alabama (1975), relating to nighttime hunting on the lands of another, so as to increase penalties for the violation thereof.

Also:

S. 300. To authorize the Alabama Supreme Court to hire six staff attorneys and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Also:

S. 343. To provide a mechanism for funding of multi-service programs designed to promote economic self-sufficiency among low-income citizens of

the State of Alabama; providing that 95% of monies received from the Community Services Block Grant Act shall be appropriated to Community Action Agencies as prescribed herein; to provide an allocation schedule; to designate eligible Community Action and certain other agencies under this act; to prescribe duties and responsibilities of Community Action Agencies; to define certain other agencies to be named limited purpose agencies which shall qualify for funds under the provisions of this act and to provide for the administration of the programs of such agencies and to prescribe their duties and responsibilities; to define service areas for Community Action Agencies and limited purpose agencies; to prescribe guidelines for the operation of Community Action Programs under this act.

Also:

S. 377. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Also:

S. 386. To exempt from the payment of any and all state, county and municipal ad valorem taxes, the Board of Trustees of the Susie Parker Stringfellow Memorial Hospital established and created under the Last Will and Testament of Susie P. Stringfellow, deceased, and Stringfellow Memorial Hospital Non-Profit Realty Company, a nonprofit corporation, and all real and personal property of said Board of Trustees or said nonprofit corporation, to provide that any and all such ad valorem taxes which were, are or may be collected as the result of any assessment against said Board of Trustees or said nonprofit corporation, or any real or personal property of said Board of Trustees or said nonprofit corporation, shall be remitted to the entity which paid them and to provide that no action or proceeding for the collection or enforcement of any such ad valorem tax may be instituted against said Board of Trustees or said nonprofit corporation subsequent to its effective date.

Also:

S. 418. To regulate the practice of Interior Design; to provide for the registration of qualified persons as professional Interior Designers; to create the Alabama State Board of Registration for Interior Designers; to provide for the appointment of its members; to fix the term of the members of the Board and to define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish the Interior Designer Fund; and to provide for the enforcement of this act.

Also:

S. 446. To provide a salary increase by the State for the official court reporters, payable from the general fund of the state treasury; and to provide an effective date; and to limit pay raises for court reporters in the event that the pay raise bill for state employees passes the 1982 Regular Session of the Legislature; and to make the necessary appropriations from the general fund for such purposes of this act.

Also:

S. 477. To make an appropriation for the fiscal year ending September 30, 1983 in the amount of Six million five hundred thousand dollars (\$6,500,000) from the monies initially transferred into The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the



purpose of payment by the State of Alabama of expenses incurred prior to September 30, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Also:

S. 514. To authorize the acquisition and pledging and securing of Letters of Credit in connection with the issuance of securities by public bodies in Alabama.

Also:

S. 519. Relating to DeKalb County; providing for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and providing for an effective date.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

#### S. 422 RESUMED AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, S. 422 as amended:

In Section 1, after subsection (d) add the following language as a new subsection (e):

(e) The provisions of this section shall not apply unless approved by a resolution of the county governing body.

#### MOTION TO TABLE LOST

The motion offered by Rep. Manley to table the amendment offered by Rep. Cosby to the bill, S. 422 as amended, was lost.

Yeas 26; Nays 50.

*Yeas:*

Reps. Blake, Brakefield, Cabaniss, Campbell, Clark (G), Cobb, Coburn, Cooley, Drinkard, Edwards, Ford, Grouby, Harvey, Holmes, Langford, McKee, Manley, Minus, Naramore, Rains, Ray, Smith (J), Starkey, Trammell, Waggoner and Wyatt.

—26

*Nays:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Biddle, Carothers, Cates, Cheatwood, Cosby, Crow, Daniels, Dixon, Gilmer, Grimsley, Hall, Harper (T), Harrison, Howard, Jackson, Johnson (R. G.), Kennedy, Laird, Letson, McMillan, Mitchell, Moore, Olive, Owens, Parker, Patton, Pegues,

Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—50

## AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Cosby to the bill, S. 422 as amended, and the amendment was adopted.

Yeas 60; Nays 12.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Blake, Carothers, Clark (G), Cooley, Cosby, Daniels, Dixon, Gafford, Gilmer, Gregg, Grimsley, Hall, Harper (O), Harper (T), Harrison, Harvey, Holmes, Howard, Johnson (R. G.), Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Olive, Parker, Patton, Pegues, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—60

*Nays:*

Reps. Albright, Brakefield, Campbell, Cobb, Coburn, Crow, Drinkard, Kelley, Naramore, Rains, Trammell and Willis.

—12

## AMENDMENT OFFERED

Rep. Letson offered the following amendment to the bill, S. 422 as amended:

Amend Senate Bill 422, page 1, line 31 after the figures "22,500" by striking \$27,000 and inserting in lieu thereof \$25,000 and on line 33, page 1, after the figures \$22,500 by striking \$27,000 and inserting in lieu thereof \$25,000. And on page 2, line 5, after the figures \$22,500 by striking \$27,000 and inserting in lieu thereof \$25,000.

## AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Letson to the bill, S. 422 as amended, was tabled.

Yeas 54; Nays 23.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Blake, Brakefield, Cabaniss, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Kelley, Letson, McMillan, Manley, Mitchell, Naramore, Owens, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley and Willis.

—54

*Nays:*

Reps. Campbell, Carothers, Cooley, Grimsley, Hall, Harrison, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Kennedy, Laird, Moore, Olive, Rains, Seibels, Shavers, Smith (C), Starkey, Trammell, Wyatt and Zoghby.

—23

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 61. To amend Sections 11-42-21 and 11-42-22, Code of Alabama 1975, to eliminate the population requirements and thereby make the Sections applicable to all incorporated municipalities.

Also:

H. 240. To amend Act No. 81-965, the FY 82 Education Appropriation Act, to move \$735,521 from capital outlay to general operating and maintenance purposes.

Also:

H. 305. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities for sanitation services.

Also:

H. 383. To prohibit the possession or sale of certain brass or steel teflon-coated handgun ammunition; to provide exemptions; and to prescribe penalties for violations.

Also:

H. 768. To authorize any industrial development board, heretofore or hereafter organized under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, or Article 4 of Chapter 54 of Title 11 of the Code of Alabama 1975, as amended, to sell and issue its bonds for, and to acquire, construct, enlarge, improve, replace, equip, maintain, use, operate, lease and dispose of, certain facilities for the use of any such industrial development board and certain other organizations, associations and foundations.

Also:

H. 796. Relating to Lamar County; to provide that 10% of all funds accruing to Lamar County or any municipality therein from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, shall be transferred to the county education department to be used for additional classroom supplies and equipment and certain capital outlay purposes, and to provide for the method of distributing said money.

Also:

H. J. R. 420. COMMENDING THE HONORABLE ARNOLD F. WELLMAN, JR., STATE REPRESENTATIVE, CONNECTICUT GENERAL ASSEMBLY.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

#### S. 422 RESUMED

#### AMENDMENT OFFERED

Rep. Starkey offered the following amendment to the bill, S. 422 as amended:

In Section 1, page 2, after line 9, add the following underlined new subsection (e):

(e) It is further provided that no probate judge shall be entitled to the increased compensation provided in this amendatory act unless such judge shall pay the collections of the marriage license fee increase of \$5.00 into the state treasury in accordance with the provisions of Act No. 81-813, S. 647, 1981 Regular Session (Acts 1981, p. 1452).

#### AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Starkey to the bill, S. 422 as amended, was tabled.

Yeas 43; Nays 19.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bennett, Brakefield, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Gregg, Grouby, Hammett, Harvey, Kelley, Langford, McKee, McMillan, Manley, Minus, Naramore, Pegues, Penry, Ray, Roberts, Sandusky, Shavers, Smith (C), Trammell, Turner, Venable, Waggoner, Warren, Willis and Wyatt.

—43

*Nays:*

Reps. Bedsole, Cosby, Dial, Grimsley, Harrison, Holley, Holmes, Howard, Johnson (R. G.), Kennedy, Laird, Letson, Olive, Reed, Seibels, Shoemaker, Ward, Whatley and Zoghby.

—19

AMENDMENT OFFERED

Reps. Boles and Lewis offered the following amendment to the bill, S. 422 as amended:

Page 1, Section 12-13-20 Sec. b. line 34 after: year, Add the following:

This minimum shall also apply to any Assistant Probate Judge serving in a separate political subdivision.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Boles, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Ford, Gafford, Goodwin, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (Roy), Kelley, Kennedy, Langford, Letson, McKee, McMillan, Mitchell, Moore, Naramore, Olive, Parker, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Shavers, Smith (C), Stout, Trammell, Turner, Venable, Willis, Wyatt and Zoghby.

—60

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 783. Relating to Bullock County; to provide further for the employees and their compensation in the office of the county tax collector.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Reed, the House concurred in and adopted the Senate amendment to the bill, H. 783, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Bullock County; to provide further for the compensation of the employees in the office of the county tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. All employees in the office of the county tax collector of Bullock County shall receive additional compensation in the amount of \$1,000 per year. Said amount shall be in addition to the amount they are receiving on the effective day of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 44; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Boles, Brakefield, Carter, Cheatwood, Cobb, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (T), Holmes, Kelley, Kennedy, Laird, Langford, Letson, McKee, Mitchell, Moore, Owens, Pegues, Penry, Reed, Sasser, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Warren, Willis and Zoghby.

—44

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 783. Relating to Bullock County; to provide further for the compensation of the employees in the office of the county tax collector.

As amended, was again read at length and passed.

Yeas 49; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Boles, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Cobb, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Higginbotham, Hines, Holmes, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Mitchell, Moore, Owens, Penry, Rains, Reed, Sasser, Seibels, Starkey, Stewart, Turner, Venable, Warren, Willis and Zoghby.

—49

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 782. Relating to Bullock County; to provide for the election of the chairman of the county commission.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Reed, the House concurred in and adopted the Senate amendment to the bill, H. 782, said Senate amendment being as follows:

Amend House Bill 782 as follows:

On page 1, line 19, after word "serve" insert the words:

full time

and also on line 19, delete the word "four" and insert in lieu thereof the word:

six.

On page 1, lines 25, 26 and 27, delete the language:

"\$600.00 more annually than the members of the county commission receive."

and insert in lieu thereof the following language:

\$22,500 annually to be paid in 12 monthly installments.

Yeas 41; Nays 1.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cates, Cobb, Crow, Daniels, Dixon, Edwards, Gilmer, Goodwin, Grimsley, Harper (O), Harper (T), Higginbotham, Hines, Holmes, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Mitchell, Owens, Penry, Reed, Sasser, Seibels, Stewart, Trammell, Turner, Warren, Willis and Zoghby.

—41

*Nay:* Rep. Starkey.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 782 as thus amended, was again read at length and passed.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Cobb, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holmes, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Mitchell, Owens, Penry, Reed, Sandusky, Sasser, Seibels, Shavers, Starkey, Stewart, Trammell, Turner, Warren, Willis and Zoghby.

—52

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 780. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Ray, the House concurred in and adopted the Senate amendment to the bill, H. 780, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; and to suspend Sections 41-9-700 through 41-9-707, Code of Alabama 1975, during the operative period of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. a. There is hereby created and established the Alabama Indian Affairs Commission, hereafter called the Commission.

b. The Commission shall be composed of seven voting members. All members of the Commission must reside in Alabama. The voting members of the Commission shall be as follows: One member from the Poarch Band of Creeks of Escambia County (Creek Nation East of the Mississippi, Inc.); one member from the Mowa Band of Choctaws of Mobile and Washington Counties; one member from the Star Clan of Lower Muscogee Creeks of Pike County; one member from the Echota Cherokees of Alabama; one member from the Cherokees of Jackson County; one member from the United Cherokee Tribe of Alabama and one member who is a member of a Federally recognized Indian tribe, band or group, and who is not a member of any of the above groups, tribes or bands. Each of the aforementioned tribes, bands or groups shall select the appropriate numbers of members from within their tribes, bands or groups to serve on the Commission. The six selected members meeting as a whole shall appoint the one member of a Federally recognized tribe, band or group who is not a member of an Alabama tribe, band or group.



c. In addition to the voting members of the Commission, each member of the Alabama legislature who has within his district one of the aforementioned tribes, bands or groups shall serve as a nonvoting ex officio member. Said nonvoting ex officio membership on the Commission shall terminate when the aforementioned tribe, band or group no longer resides within his district.

d. The terms of members shall be for two years and run from Thanksgiving Day to Thanksgiving Day except for the initial appointments which shall be from the effective date of this Act until the Thanksgiving Day next following said date. The members shall be appointed and commence membership on the Commission at the annual Thanksgiving Day festivities held in Poarch, Alabama, in Escambia County. Members shall be eligible for reappointment. Upon the death, disability, resignation, removal, or refusal to serve of any member, the tribe, group or band from which the vacancy occurs shall appoint a qualified person to fill the unexpired term.

e. Within 24 months of the effective date of this Act, each of the aforementioned identified groups must obtain Federal recognition pursuant to the 25 Code of Federal Regulations 54 to participate in the Commission. The participation of any group, tribe or band designated in this Act and who has not obtained Federal recognition within said time limit shall immediately terminate. After 24 months any seats vacated shall be filled by those qualifying for Federal recognition in the order of recognition.

f. The members of the Southwest Indian Affairs Commission as it was composed on the effective date of this Act have an affirmative duty to notify any tribe, band or group affected by the provisions of this Act. Said members shall call the first meeting of the reorganized Commission within 60 days of the effective date of this Act and shall be the vehicle by which the provisions of this Act shall be implemented. All duties, functions and obligations of said members of the Southwest Indian Affairs Commission shall cease immediately upon notification being given of the first meeting of the Commission. At the first meeting of the Commission, a chairperson shall be elected from among the members of the Commission. The Commission shall adopt a set of by-laws and be subject to Roberts' Rules of Order.

Section 2. The purpose of this Commission shall be to deal fairly and effectively with Indian affairs; to bring local, state, and federal resources into focus for the implementation or continuation of meaningful programs for Indian citizens of the State of Alabama; to provide aid for Indians as needs are demonstrated; to assist Indian communities in social and economic development; to promote recognition of the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to the American Indian; and to study the existing status of state recognition of all Indian Tribes presently existing in the State of Alabama, and to establish appropriate procedures to provide for legal recognition by the state of those presently unrecognized Indian tribes.

Section 3. (a) It shall be the duty of the Commission to study, consider, accumulate, compile, assemble and disseminate information on any aspect of Indian affairs; to investigate relief needs of Indians of Alabama and to provide technical assistance in the preparation of plans for the alleviation of such needs; to confer with appropriate officials of local, state, and federal governments and agencies of those concerned with Indian affairs to encourage and implement coordination of applicable resources to meet the needs of Indians in Alabama; to cooperate with and secure the assistance of the local, state and federal governments or any agencies thereof in formulating any

such programs, and to coordinate such programs with any program regarding Indian affairs adopted or planned by the federal government to the end that Alabama Indians secure the full benefit of such programs; provided, however, that such Commission is hereby authorized to directly seek and receive from the federal government any grants, funds or other benefits which may be available for Indians; to review all proposed or pending legislation and amendments to existing state legislation affecting Indians in Alabama; and to conduct public hearings on matters relating to Indian Affairs.

(b) Recognition of presently unrecognized Indian tribes presently existing in Alabama shall be determined by the Alabama Indian Affairs Commission. For purposes of this Act, "Indian Tribe" shall mean any Indian tribe, band, nation, or other organized group or community tracing their heritage to Indian tribes indigenous to Alabama for the last 200 years, and who have inhabited a specific area or community viewed as American Indian and are distinct from other populations in the area. Each petitioning tribe must submit to the Commission a roll of their members and criteria used by the petitioning tribe to determine membership of such roll. Upon receipt of a letter of intent to apply for legal recognition, the Alabama Indian Affairs Commission shall furnish the petitioner with established procedures for submitting the petition. Petitions shall be studied and a decision rendered not later than one year following receipt of said petition.

Section 4. The members of the Alabama Indian Affairs Commission shall receive no compensation for their services, other than reimbursement for travel and other expenses actually incurred in the performance of their official duties.

Section 5. a. The Commission shall meet quarterly, and at any such other time that it shall deem necessary. Special meetings may be called by the Chairman or by a petition signed by a majority of the members of the Commission. Ten (10) days' notice shall be given in writing prior to the meeting date. Such notice shall describe the matters to be discussed at the meeting.

b. A simply majority of Indian members shall constitute a quorum for the transaction of business at every meeting of the Commission.

c. Proxy vote shall not be permitted.

Section 6. The Commission is hereby authorized to employ such persons necessary to carry out the provisions of this Act.

Section 7. The Commission is authorized to receive and hold gifts, devises, bequests of money, real estate and other things of value to be used in the support and development of its work.

Section 8. There is hereby appropriated out of funds in the state treasury not otherwise appropriated the sum of \$125,000 for each of the fiscal years ending September 30, 1982, and September 30, 1983, for the operation of the Commission, which funds shall be disbursed in accordance with a financial management system approved by the Commission.

Section 9. The Commission shall prepare a written annual report giving an account of its proceedings, transactions, findings, and recommendations. This report shall be submitted to the Governor and the legislature. The report will become a matter of public record and will be maintained in the State Department of Archives and History.

Section 10. a. Fiscal records shall be kept by the Commission or its designated employees, and will be subject to annual audit by the State Examiner of Public Accounts. The audit report will become a part of the annual report.

b. Commission members or employees of the Commission who are responsible for receiving and disbursing Commission funds shall be bonded in an amount satisfactory to the Commission, but not less than \$50,000.

Section 11. All laws or parts of laws and specifically those parts of Sections 41-9-700 through 41-9-707, Code of Alabama 1975, that conflict with this Act are hereby suspended for a 24-month period after the effective date of this Act. On January 1, 1985, the provisions of Sections 41-9-700 through 41-9-707, Code of Alabama 1975, shall have full force and effect unless otherwise provided for by legislative enactment by the passage and approval of an Act or by joint resolution.

Section 12. This Act shall become effective January 1, 1983.

Yeas 57; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harper (T), Higginbotham, Hines, Holley, Holmes, Jackson, Johnson (Roy), Kennedy, Laird, Lewis, McMillan, Mitchell, Nevett, Olive, Pegues, Penry, Rains, Ray, Reed, Seibels, Shavers, Smith (C), Stewart, Trammell, Turner, Venable, Warren, Williams, Willis and Zoghby.

—57

And the bill:

H. 780. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; and to suspend Sections 41-9-700 through 41-9-707, Code of Alabama 1975, during the operative period of this act.

As amended, was again read at length and passed.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Boles, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Mitchell, Moore, Olive, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Warren, Willis and Zoghby.

—65

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 341. To amend the "Hazardous Waste Management Act of 1978," as amended, and as now appearing as Sections 22-30-1 through 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, and 22-30-19 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Minus, the House non-concurred in the Senate amendment to the bill, H. 341, and requested a Committee on Conference be appointed to resolve the differences between the two Houses on the Senate amendment, said Senate amendment being as follows:

Amend House Bill No. 341 Page 6 Lines 7, 8, & 13, by striking out "either" & "or" and inserting "and" in the place of "or".

A BILL  
TO BE ENTITLED  
AN ACT

To amend the "Hazardous Waste Management Act of 1978", as amended, and as now appearing as Sections 22-30-1 through 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, 22-30-17 and 22-30-19 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to provide strict liability monetary sanctions for certain enumerated acts, to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to allow substitution of proper shipping papers for the manifest to accompany bulk shipments by rail and water; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the

Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application, but limits the number of permits for commercial hazardous waste facilities and sites in any one county without legislative approval.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 22-30-12, 22-30-13, 22-30-17, and 22-30-19, Code of Alabama 1975, are hereby amended to read as follows:

"§22-30-12.

"(a) Not later than February 8, 1979, the board shall promulgate a permit program for hazardous waste management practices and promulgate criteria for issuing permits and regulations identifying procedures for obtaining permits or approval.

"(b) The board shall encourage and utilize, to the maximum extent, private enterprise and investment capital in the planning, design, construction and operation of hazardous waste processing facilities and disposal sites.

"(c) General requirements:

"(1) The board shall issue permits for all hazardous waste transportation, storage or treatment facilities and disposal sites constructed and operated in compliance with the regulations, guidelines and standards promulgated by the board. Provided the board shall issue permits for no more than one hazardous waste treatment facility or disposal site as defined by §§22-30-3(3) and 22-30-2(15), Code of Alabama 1975, as amended, operated as a commercial facility or site for the treatment or disposal of hazardous waste by a person or persons other than the generator, situated within any one county of the state without legislative resolution giving approval therefor. Before any site permit is issued, the board shall give proper notice of the application therefor to the appropriate local governing bodies having jurisdiction over the proposed site and shall hold a public hearing on the matter. The board must approve or disapprove the application within 90 days. Any application not receiving action by the board in the specified time shall be considered approved. The board shall act with all reasonable speed in reviewing the application consistent with protecting the public health and the environment.

"(2) Upon filing of an application by any person proposing to transport, store, treat or dispose of hazardous wastes, the board is authorized to investigate the equipment, facilities and proposed practices of the applicant and all other circumstances and conditions deemed material by the board. The board is authorized to collect from the applicant an amount equal to its expenses in making the investigation.

"(3) No person shall engage in transporting, storage, treatment or disposal of hazardous wastes without a permit or prior approval from the board. Generators of hazardous waste who merely concentrate and/or prepare such waste for shipment and do not engage in the transportation, storage, treatment or disposal of hazardous waste are exempt from the permit requirement.

"(4) Any person proposing to transport hazardous waste or to construct and operate a site for the storage, treatment and/or disposal of hazardous waste shall submit, prior to the granting of any permit, a surety bond in

which the applicant is the principal obligor and the board is the obligee, or evidence satisfactory to the board of a net worth of an amount equal to 10 times the value of the proposed surety bond. The amount of the bond shall be determined by the board in each individual case, based upon the scope and size of the operation proposed.

"(5) No person shall commence construction of any proposed facility or site without having first filed an application for and received a construction permit from the board.

"(6) No person shall commence operation of any hazardous waste transportation, storage or treatment facility or disposal site without having first obtained a permit from the board.

"(7) No person shall deliver any hazardous wastes to a hazardous waste transportation, storage or treatment facility or hazardous wastes disposal site which has not received a permit from the board.

"(8) Ownership of hazardous waste shall transfer upon receipt of the hazardous waste unless otherwise provided.

"(9) Existing facilities and sites shall be granted a permit variance subsequent to sufficient evidence being presented at a hearing to assure that the facility is, or will be within a reasonable period of time, in compliance with the rules and regulations, guidelines, criteria and standards promulgated by the board.

"(10) Permits or licenses for all hazardous waste transportation, storage or treatment facilities and disposal sites previously issued by the board or by any other agency of the state under any statute shall continue in effect for a minimum period of 60 days following the effective date of the rules and regulations promulgated under this chapter and for such additional period as the board may by rule establish.

"(11) No provisions of this chapter shall be construed to prohibit disposal of hazardous wastes at the site of production or generation if the disposal site is in compliance with this chapter or rules and regulations promulgated hereunder.

"(d) Upon a determination by the board of noncompliance by a facility having a permit under this section with the requirements of this section or of noncompliance with the responsibilities set forth in sections 22-30-14, 22-30-15 and 22-30-16, the board may revoke such permit."

"§22-30-13.

"All persons generating hazardous wastes shall dispose of such wastes in accordance with one of the following methods which shall be detailed by regulations:

"(1) A generator may dispose of such wastes at its own private site, provided such site is operated under a valid permit from the board.

"(2) A generator may dispose of such wastes at a privately operated disposal site, provided such site is operated under a valid permit from the board or, if it is out of state, approved by that state's approving authority either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency.

"(3) A generator may contract with a private transporter to dispose of such wastes, provided the transporter is operating under a valid permit from the board and disposes of the waste at a site which is operating under a valid permit from the board or, if out of state, approved by that state's approving authority either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency.

"(4) A generator may dispose of such wastes at a public site operated under a valid permit from the board or, if out of state, approved by that state's approving authority either the United State Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency."

"§22-30-17.

"(a) The board shall develop and promulgate a manifest. The hazardous waste technical advisory committee shall review the manifest and submit recommendations to the board.

"(b) The board shall, after publication of notice and conduct of a public hearing, promulgate a manifest to be originated by the hazardous waste generators in accordance with the regulations promulgated by the board.

"(c) After six months following the effective date of the regulations promulgated under this chapter, a manifest shall be required to accompany transportation, storage, treatment and/or disposal of hazardous waste, provided, however, that regarding bulk shipments by rail or water, a shipping paper may be substituted for the manifest if the shipping papers meet the requirements set out in the regulations promulgated under this chapter. The manifest shall be originated by the hazardous waste generator identifying the hazardous waste transported, the quantity of such waste, the general, chemical, physical and mineral composition of such waste identified by probable maximum and minimum percentages and such other information as the Board may require.

"(d) A copy of the complete manifest shall be forwarded to the board by those processing hazardous waste."

"§22-30-19.

"(a) Whenever the board determines that any person is in violation of any requirement or standard under this chapter or rules and regulations issued hereunder the board shall give written notice to such party of such violation.

"(b) If such violation extends beyond the thirtieth day after notification by the board, the board may issue an order requiring compliance within a specified time period, or, in cases where imminent danger to public health and safety is demonstrated, suspend operations causing such danger until the board determines that adequate steps are being taken to correct such violations; or the board may commence a civil action in the circuit court in the civil action in the circuit court in the county in which such alledged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunctive relief.

"(c) Without regard to the thirty days waiting period in subsection (b) of this section, in cases of imminent danger or irreparable damage to public health or safety, the board at any time prior to the expiration of the thirtieth day after notification of violation, may commence an immediate civil action

in the circuit court in the county in which such alleged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunction relief.

"(d) Any order issued under this section shall state the nature of the violation and the time period within which compliance is required. The amount of any civil monetary penalty sought shall be determined by the board on the basis of the seriousness of the violation, and whether any good faith efforts were or are being made to comply with the applicable requirements or standards. If a person fails to take the corrective action required within the time specified in an order issued pursuant to subsection (b) of this section he shall be liable for civil monetary penalties of not more than \$25,000.00 each day for the violation complained of in such order. The board may adopt such assessment procedures as may be promulgated or approved by the United States Environmental Protection Agency or other federal agencies; and the board may suspend or revoke any permit issued to the violator.

"(e) Any order of suspension or revocation of a permit shall become final unless the person named in such suspension or revocation order requests a hearing within 30 days after the order or notice of suspension or revocation is served upon such person or persons. Upon such request, the board shall promptly conduct a hearing.

"(f) If a person fails to pay any civil monetary penalty assessed under this section, the board may institute a civil action against such person in the circuit court of any county in which such a person is found, resides or transacts business to collect such penalty or cost. Such court shall have exclusive jurisdiction to hear and decide any such action. The court shall sustain the board's finding of violation and assessment of civil penalty if such action is supported by fair preponderance of the evidence.

"(g) The board is hereby authorized and empowered to compromise and settle any penalty under this section in such amount, which in the discretion of the board may appear appropriate and equitable, to a maximum of 90 percent of the penalty when within one year or such other period as the board may deem reasonable the person takes action to eliminate or correct such violation to the satisfaction of the board.

"(h) For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this chapter, duly designated officers or employees of the board are authorized to enter, at reasonable times, any establishment or other place maintained by any person where hazardous wastes are generated, stored, created treated or disposed of. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples prior to leaving the premises, such officer or employee shall give to the owner, operator or agent in charge a receipt describing the sample obtained and, if requested, a portion of each such sample equal in volume or weight to the portion obtained. If any analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator or agent in charge. Any records, reports or information obtained from any person under this section shall be subject to the provisions of sections 22-30-9 concerning trade secrets.

"(i) Any person who: with criminal negligence.

"(1) Transports any hazardous waste listed under this chapter to a facility which does not have a permit under section 22-30-12;



"(2) Treats, stores, for more than 90 days, or disposes of any hazardous waste listed under this chapter without having obtained a permit therefor under this chapter; or provided, however, that any generator of a hazardous waste under this chapter who stores such waste on-site for 90 days or less shall not be in violation of this subsection;

"(3) Through his handling of any hazardous waste allows such waste to contaminate groundwater without having obtained a permit therefor under this chapter; or, if permitted, violates the conditions of such permit or

"(4) Makes any false statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained or used for purposes of compliance with this chapter shall, be subject to a penalty of not more than \$25,000.00 for each day of violation, which penalty may be recovered in a civil action in circuit court. After such person shall have once been adjudicated to have violated any provision of this subsection (i), such person shall be subject to a penalty of not more than \$50,000.00 per day of violation in any subsequent adjudication of violation of the provisions of this subsection (i);

"(j) Any person who knowingly or with criminal negligence, as that term is defined in Code of Alabama 1975, § 13A-2-2(4):

"(1) Transports any hazardous waste listed under this chapter to a facility which does not have a permit under Section 22-30-12;

"(2) Treats, stores, for more than 90 days, or disposes of any hazardous waste listed under this chapter without having obtained a permit therefor under this chapter; or provided, however, that any generator of a hazardous waste listed under this chapter who stores such waste on-site for 90 days or less shall not be in violation of this subsection;

"(3) Through his handling of any hazardous waste allows such waste to contaminate groundwater without having obtained a permit therefor under this chapter; or, if permitted, violates the conditions of such permit or

"(4) Makes any false statement or representative representation in any application, label, manifest, record, report, permit or other document filed, maintained or used for purposes of compliance with this chapter shall, upon conviction, be subject to a fine or not more than \$25,000.00 for each day of violation, or to imprisonment not to exceed ten years, or both. If the conviction is for a violation committed after a first conviction of such person, under this chapter, punishment shall be a fine of not more than \$50,000.00 per day of violation, or by imprisonment of not more than twenty years, or by both."

Section 2. All laws or parts of laws, special, local or general, which conflict or are inconsistent with this Act are hereby repealed, insofar as such laws or parts of laws conflict or are inconsistent with this Act, and Act 81-1189, Third Special Session 1981, is hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby,

Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Pegues, Penry, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Warren, Williams, Willis and Zoghby.

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## COMMITTEE APPOINTED

And the Speaker appointed as a Committee on Conference on the part of the House Reps. Minus, Edwards and Biddle.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 112. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-11 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-31-1, 34-31-12 and 34-31-13, Code of Alabama 1975, so as to: Exempt persons who merely perform repair work from the provisions of Title 34, Chapter 31; to provide that certain persons exempted from examinations shall not be exempt after five years following passage of this amendatory Act; and to provide that applicants for licensure shall be tested on technical skills, not on business management skills.

said Conference Report being in words and figures as follows:

## CONFERENCE COMMITTEE REPORT FOR S. B. 112

We, the committee of conference appointed to reconcile the disagreement between the two houses concerning S. B. 112, have met, considered the matter and agreed to the following report.

We recommend that both houses adopt the attached Conference Committee Substitute for S. B. 112 which said substitute is made a part hereof by reference as if fully set out herein.

BILL SMITH,

ROBERT GULLEDGE,

Conferees for the Senate.

JIM SMITH,

CHARLES WHATLEY,

Conferees for the House.

SUBSTITUTE FOR S. B. 112

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to terminate the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-17 of the Code of Alabama 1975; and to create a new Board of Heating and Air Conditioning Contractors to replace the terminated board, and to repeal Sections 34-31-1 through 34-31-17, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors, and voted to recommend the termination of the board created and functioning pursuant to Sections 34-31-1 through 34-31-17, Code of Alabama 1975, and to create an entirely new board as provided in Section 3 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors, created and functioning pursuant to Sections 34-31-1 through 34-31-17 of the Code of Alabama 1975 is hereby terminated and said sections of law are expressly repealed, and in its place the following enactment of law shall create a new board to replace the terminated one:

A BILL  
TO BE ENTITLED  
AN ACT

To create a board of Heating and Air Conditioning Contractors; to provide definitions, to express the purpose; to provide for the composition, terms, duties, powers, compensation and other matters of the board; to transfer money, equipment and property from the board created by Sections 34-31-1 through 34-31-17, Code of Alabama 1975, to the board herein created; to provide for the oath of office of board meetings; to provide business procedures and meetings of the board; to provide for a certification process for heating and air conditioning installers; to require service and repair contractors to register annually with the board; to authorize the charging of certifying and registration fees by the board and penalties for late payment of said fees; to provide for renewal certificates; to provide for an examination by the board of applicants and to provide certain exemptions from testing; to authorize the board to require bonding under certain circumstances of its certified contractors; to provide examination criteria; to provide penalties for violations of this act; to require compliance with the state administrative procedures act; and to expressly repeal Sections 34-31-1 through 34-31-17, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act, the following terms shall have the meanings herein ascribed to them unless the context clearly indicates otherwise:

(a) **CERTIFIED CONTRACTOR.** Any individual or any regularly employed person for any partnership or corporation who for hire is engaged in the installation of heating and air conditioning systems; provided that nothing in this act shall apply to retail sellers of heating and air conditioning systems who do not install said systems themselves.

(b) **REGISTERED CONTRACTOR.** Any contractor who for hire is engaged exclusively in the service and repair of heating and air conditioning systems who does not install said system.

(c) **INSTALLATION.** The act of setting up or installing a heating and air conditioning system for operation and use.

(d) **SERVICE AND REPAIR.** The act of maintaining for operation a heating and air conditioning system which has previously been installed including parts replacement within a piece of equipment.

(e) **BOARD.** The State Board of Heating and Air Conditioning Contractors, herein established.

(f) **HEATING AND AIR CONDITIONING SYSTEMS, OR SYSTEM.** A heating and/or cooling apparatus consisting of an air heating and/or cooling fixture from pipes, plenums or blowers including any accessory and equipment installed in connection herewith; specifically excluding window units, automotive or farm implement type heating and/or air conditioning equipment.

(g) **ADMINISTRATIVE PROCEDURES LAW.** Sections 41-22-1 through 41-22-27, Code of Alabama 1975, and any subsequent amendment or supplements thereto, and any rules or regulations promulgated thereto.

(h) **RESPONSIBLE CHARGE.** The direction of projects involving the installation or service and repair of heating and air conditioning systems requiring initiation, professional skills, technical knowledge and independent judgment.

Section 2. The purpose of this act is to certify qualified contractors in order to protect the public by identifying those contractors who have the knowledge and ability to install heating and air conditioning systems, and to identify competent service and repair personnel.

Section 3. (a) There is hereby created the Board of Heating and Air Conditioning Contractors. The Board shall consist of seven members, whose initial appointments shall be effective as of July 1, 1982 as follows: One member shall be appointed by the Governor for an initial term of one year, and must be a mechanical engineer; one member shall be appointed by the Governor for an initial term of four years and must be a heating and air conditioning contractor; one member shall be appointed by the Lieutenant Governor for an initial term of three years and must be a trade representative of equipment manufacturer or supplier; one member shall be appointed by the Governor for an initial term of three years and must be a consumer from the general public; one member shall be appointed by the Speaker of the House of Representatives for an initial term of two years and must be a trade representative of service, repair parts industry; one member shall be appointed by the Lieutenant Governor for an initial term of two years, and must be a representative from county or local inspection services department; and

one member shall be appointed by the Speaker of the House of Representatives for an initial term of three years, and must be a consumer from the general public. Their successors, who shall be appointed by the same respective appointing authorities, and must possess the same respective occupational qualifications, shall each serve four year terms and until their successors are appointed and qualified.

(b) All monies, equipment and property of the board created pursuant to Sections 34-31-1 through 34-31-17, shall, effective July 1, 1982, be transferred to the board created in subsection (a) above.

#### Section 4.

(a) The board shall elect from among its members a chairman and a secretary.

(b) The chairman shall preside over meetings of the board or designate another member to preside in his absence.

(c) The secretary shall keep the minutes, books and other records and files of the board. He shall issue all certificates in the name of the board and shall send out all notices and attend to all correspondence under the direction of the board. He shall receive and deposit all fees and perform such other duties as are incidental to his office as may be required by the board, and shall deposit said fees as provided by law.

(d) The secretary shall give bond, payable to the governor, in the penal sum of \$5,000.00 for the faithful performance of his duties, and the premium therefor shall be paid from the fees of the board.

(e) No moneys shall be withdrawn from the funds of the board except by direction of the board as provided by state law.

(f) A majority of the board shall constitute a quorum for the transaction of all business.

Section 5. Except as otherwise provided in this act, members of the board shall receive no compensation for their services, but shall be entitled to mileage and expenses for board related travel within the state at the same rate as state employees receive, to be paid from fees collected.

Section 6. The board shall meet in a regular session to perform its lawful duties at least once each three-month period.

Section 7. No individual, partnership or corporation shall advertise, solicit, bid, obtain permit, do business, or perform the function of a certified contractor unless the person or persons in responsible charge, as defined in Section 1(h) hereof, are certified contractors.

No official charged with the duty of issuing licenses to any individual, partnership or corporation to operate a business as a certified contractor shall issue such license unless there is presented for inspection a certificate of qualification as provided for herein issued by the board to the individual or to some person in responsible charge with the partnership or corporation.

Section 8. (a) For the purpose of defraying the expense in carrying out the provisions of this act, the board may fix fees to be paid by applicants for certificates, but in no event shall the charges fixed by said board exceed \$100.00. All fees fixed by the board must accompany the application for examination, and no part of said fees shall be refunded. Said fees shall be received by the board and held solely for the purpose of paying the expense of carrying out the provisions of this act.

(b) All penalties collected by the board shall be used in the same manner and for the same purpose as fees.

(c) Renewal fees shall be established by the board as to insure adequate funding to support the board. Fees shall not exceed \$50.00 per year.

Section 9. All certificates provided for herein shall be renewed annually, not later than 90 days after the first day of October of each year. All holders of certificates shall be entitled to renewal thereof upon payment of a renewal fee set forth by the board as provided for in this act.

Section 10. All applicants for examinations and certificates and all applicants for renewal certificates shall be required to fill out a form which shall be provided by the board.

Section 11. (a) All prospective certified contractors in this state desiring to qualify in accordance with the provisions of this act shall be required to stand for a written examination before the board. Any applicant failing to pass his first examination for a certificate shall be entitled to take any subsequent examination, either written or, upon request of the applicant, an oral or practical examination which is equivalent to the written examination, to be held within six months from the date of his first or latest unsuccessful examination.

(b) All persons engaged in the business of installation for a period of at least two years prior to the effective date of this act shall have a 12 month period following the enactment hereof to register with the board for certification. Such persons shall not be required to stand for an examination, but shall pay the same renewal fees which are charged all other certified contractors. Persons herein certified shall be authorized to perform service and repairs without having to register as a service and repair contractor as provided in subsection (c) hereof.

(c) The board is hereby authorized to require a performance bond in the amount of \$5,000.00 per year for certified contractors who, upon valid complaint and investigation by the board, are found to have performed substandard installation work.

(d) Registered contractors are not required to be certified by the board, but shall register annually as a service and repair contractor with the board and to pay an annual registration fee of \$5.00. If any service and repair contractor fails to register within 60 days with the board, following official notice by registered mail to do so, the board may require such person to post a performance bond in the amount of \$5,000.00 per year. In addition, if any registered contractor is found by an investigation of the board pursuant to a valid complaint to have performed negligent or substandard work, the board, in its discretion, may require a performance bond in an amount of \$5,000.00 per year of such contractor.

(e) With respect to registered contractors performing service and repair services, any county or municipality, in its discretion, is hereby authorized to require that such persons be certified contractors by the board. Counties which choose to require certified contractors are specifically denied jurisdiction within the corporate limits of any municipality, or its police jurisdiction, within said county.

Section 12. The board shall provide for examinations which test the knowledge, skill and proficiency of the applicants. Subject matter shall be limited to the following subjects: safety, basic heating and air conditioning

theory, refrigeration as applied to air conditioning, diagnostic trouble shooting of heating and air conditioning systems, air handling, standard mechanical codes, standard gas codes, standard electrical codes, equipment installations and duct sizing as they relate to heating and air conditioning. All test questions shall be prepared to deal with the criteria on a trade level only. Examinations shall be held at such time and place as may be fixed by the board at least once each three-month period. Written notice of the time and place of examinations shall be mailed to all persons who have filed current applications for the examinations of the board.

Section 13. The board may, in its discretion, when needed to assure financial stability, and professional competence may, in its discretion, require applicants for certification to post bond for the purpose of insuring performance by the certified contractor of any contract agreement into which he may enter. There shall be no discrimination between contractors similarly situated, and each classification of regulated contractors for bonding purposes must be reasonable in light of the purpose of the bond.

Section 14. The board shall publish annually a list of names, addresses of all individuals and the name of their employer, if applicable, who are registered and certified by the board, and shall mail a copy of said list to all qualified individuals so registered or certified upon request to do so. The board may require a reasonable fee to cover the cost of producing and mailing said directory.

Section 15. (a) Any person engaged in business as a certified contractor or performing the functions of a certified contractor in violation of this chapter shall be guilty of a Class C misdemeanor, as defined by the state criminal code.

(b) The board may, at its discretion, impose a late penalty on those certified contractors who fail to renew certificates by December 31 of each year. The board may also remove certification from any certified person who fails to renew certificate by the first day of March and require said person to apply for a new certificate. Furthermore, the board may at its discretion, remove certification from any certified person if his or her employer knowingly endangers the general public and require said person to apply for a new certificate.

Section 16. Said procedures shall be the same as those defined in the Alabama Administrative Procedures Law. The board may establish additional procedures as needed provided that said procedure is published and made public and are not in conflict with the state law.

Section 17. Any appeals to the act shall be as defined by the Alabama Administrative Procedures Law.

Section 18. All laws or parts of laws in conflict herewith are hereby repealed and Sections 34-31-1 through 34-31-17 are expressly repealed and superseded by this act.

Section 19. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, S. B. 112, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### MOTION TO CONCUR IN COMMITTEE ON CONFERENCE REPORT

Rep. Smith (J) offered the motion that the House concur in and adopt the Report of the Committee on Conference on the House amendment to the bill, S. 112, said report being set out in the above and foregoing Message from the Senate.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Smith (J), the motion offered by Rep. Dial to temporarily postpone consideration of the Committee on Conference Report on the bill, S. 112, was tabled.

Yeas 42; Nays 25.

#### *Yeas:*

Reps. Albright, Amari, Bedsole, Bennett, Carothers, Carter, Cobb, Coburn, Cooley, Cosby, Dixon, Drinkard, Ford, Gilmer, Gregg, Harper (T), Higginbotham, Hines, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Letson, Lewis, McMillan, Moore, Nevett, Penry, Ray, Riddick, Roberts, Shavers, Smith (C), Smith (M), Starkey, Stewart, Turner, Warren, Willis, Wyatt and Zoghby.

—42

#### *Nays:*

Reps. Boles, Cabaniss, Cates, Crow, Daniels, Dial, Grimsley, Grouby, Hall, Hammett, Harrison, Laird, McKee, Manley, Mitchell, Olive, Owens, Pegues, Reed, Sasser, Seibels, Stout, Trammell, Turnham and Venable.

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#### COMMITTEE ON CONFERENCE REPORT ADOPTED

The question was then on the motion offered by Rep. Smith (J), that the House concur in and adopt the Report of the Committee on Conference on the House amendment to the bill, S. 112, and the motion was adopted.

Yeas 59; Nays 7.

#### *Yeas:*

Reps. Amari, Bedsole, Bennett, Boles, Carothers, Cheatwood, Cobb, Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Gregg, Grouby, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

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*Nays:*

Reps. Brakefield, Carter, Cates, Dial, Hall, Harrison and Howard.

—7

And the bill:

S. 112. To create a board of Heating and Air Conditioning Contractors; to provide definitions, to express the purpose; to provide for the composition, terms, duties, powers, compensation and other matters of the board; to transfer money, equipment and property from the board created by Sections 34-31-1 through 34-31-17, Code of Alabama 1975, to the board herein created; to provide for the oath of office of board meetings; to provide business procedures and meetings of the board; to provide for a certification process for heating and air conditioning installers; to require service and repair contractors to register annually with the board; to authorize the charging of certifying and registration fees by the board and penalties for late payment of said fees; to provide for renewal certificates; to provide for an examination by the board of applicants and to provide certain exemptions from testing; to authorize the board to require bonding under certain circumstances of its certified contractors; to provide examination criteria; to provide penalties for violations of this act; to require compliance with the state administrative procedures act; and to expressly repeal Sections 34-31-1 through 34-31-17, Code of Alabama 1975.

As amended was again read at length and passed.

Yeas 38; Nays 4.

*Yeas:*

Reps. Adams (C), Bennett, Boles, Cheatwood, Cobb, Coburn, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Gregg, Hammett, Harper (O), Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Minus, Penry, Reed, Riddick, Roberts, Seibels, Smith (C), Smith (J), Starkey, Stewart, Turner, Turnham, Warren, Willis, Wyatt and Zoghby.

—38

*Nays:* Reps. Brakefield, Carothers, Carter and Cates.

—4

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 536. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Madison in said County to regulate and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses to provide that nothing herein shall relieve any licensee from complying with all

of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises, and providing for penalties.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Smith, McDonald, and Lemaster.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Smith (M), the House acceded to the request of the Senate for a Committee on Conference to resolve the differences between the two Houses on the House amendment to the bill, S. 536.

Yeas 34; Nays 0.

*Yeas:*

Reps. Albright, Bennett, Biddle, Carter, Cheatwood, Cobb, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Gregg, Grouby, Hammett, Higginbotham, Hines, Horn, McKee, Mitchell, Moore, Olive, Penry, Riddick, Sasser, Seibels, Smith (J), Smith (M), Trammell, Venable, Willis and Wyatt.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Smith (M), Gregg and Hall.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 221. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to employees who are employed full-time by the State of Alabama.

and requests an Extraordinary Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Parsons, Britnell, and Little.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Naramore, the House concurred in the request of the Senate for an Extraordinary Committee on Conference to resolve the differences between the two Houses on the House amendment to the bill, S. 221.

Yeas 42; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bennett, Bowling, Brakefield, Carter, Cheatwood, Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Hines, Holmes, Horn, Laird, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Sasser, Seibels, Smith (J), Stewart, Trammell, Turner, Warren, Willis and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 341. Regulating further license plates to be used for motor vehicles; providing for distinctive license plates for vehicles owned by certain firefighters.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Lemaster, Gullledge, and Martin.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Roberts, the House acceded to the request of the Senate for a Committee on Conference to resolve the differences between the two Houses on the House amendment to the bill, S. 341.

Yeas 41; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Bennett, Biddle, Carter, Cheatwood, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Higginbotham, Hines, Horn, Laird, Letson, McKee, McMillan, Mitchell, Moore, Olive, Parker, Penry, Reed, Sasser, Seibels, Smith (J), Stewart, Trammell, Turner, Warren, Willis and Wyatt.

—41

*Nays:* Reps. Manley and Rains.

—2

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Roberts, Seibels and Rains.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 203. MOURNING THE DEATH OF MR. MONROE LEE ADAMS OF TUSCALOOSA COUNTY, ALABAMA.

Also:

By Mr. McDonald:

S. J. R. 278. COMMENDING MR. J. T. COLLINS OF ATHENS, LIMESTONE COUNTY, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Biddle, the House concurred in and adopted the resolutions, S. J. R. 203 and S. J. R. 278, the titles of which are set out in the above and foregoing Message from the Senate.

## COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House on the bill, S. 221, Reps. Naramore, Mitchell and Dixon.

## S. 422 RESUMED

## AMENDMENT OFFERED

Rep. Dial offered the following amendment to the bill, S. 422 as amended:

by adding on line 29 Page 1 after the word year add: Composition should be defined as salary on expenses in Told Co.

## AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Dial to the bill, S. 422, was tabled.

Yeas 45; Nays 25.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Cobb, Coburn, Cooley, Dixon, Drinkard, Ford, Gilmer, Goodwin, Grouby, Hammett, Harper (T), Higginbotham, Hines, Holmes, Langford, McKee, McMillan, Manley, Naramore, Patton, Penry, Ray, Riddick, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Warren and Wyatt.

—45

*Nays:*

Reps. Albright, Carothers, Cates, Cheatwood, Cosby, Dial, Edwards, Grimsley, Hall, Harrison, Holley, Johnson (R. G.), Laird, Letson, Moore, Nevett, Olive, Pegues, Rains, Seibels, Shoemaker, Turnham, Whatley, Williams and Zoghby.

—25

And the bill, S. 422 as amended, was read a third time at length and passed.

Yeas 58; Nays 15.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Dixon, Drinkard, Edwards, Ford, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Higginbotham, Hines, Holmes, Horn, Johnson (Roy), Langford, McMillan, Manley, Mitchell, Naramore, Nevett, Patton, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Smith (C), Starkey, Stewart, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—58

*Nays:*

Reps. Cosby, Dial, Gilmer, Harrison, Holley, Johnson (R. G.), Laird, Letson, McKee, Moore, Olive, Owens, Rains, Seibels and Shoemaker.

—15

### SPECIAL ORDER RESUMED

And the bill:

S. 387. To provide for a minimum salary for county commissioners and chairmen of county commissions.

Was taken up.

### AMENDMENT OFFERED

Rep. Willis offered the following amendment to the bill, S. 387:

On page 2, line 19, after the period insert the following language:

Nor shall such provisions apply unless approved by a resolution of the county governing body.

## MOTION TO TABLE LOST

The motion offered by Rep. Naramore to table the amendment offered by Rep. Willis to the bill, S. 387, was lost.

Yeas 20; Nays 55.

*Yeas:*

Reps. Adams (H), Bennett, Brakefield, Carter, Cheatwood, Cobb, Coburn, Escott, Ford, Goodwin, Hines, Holmes, Horn, Howard, Kelley, Langford, McMillan, Naramore, Patton and Wyatt.

—20

*Nays:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Gilmer, Grimsley, Grouby, Hall, Harper (T), Harrison, Higginbotham, Holley, Johnson (R. G.), Kennedy, Laird, Letson, McKee, Manley, Mitchell, Moore, Nevett, Olive, Parker, Pegues, Penry, Reed, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—55

## AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Willis to the bill, S. 387, and the amendment was adopted.

Yeas 64; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Escott, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Johnson (R. G.), Kennedy, Laird, Letson, McKee, McMillan, Manley, Mitchell, Moore, Nevett, Olive, Parker, Pegues, Penry, Reed, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—64

*Nays:* Reps. Bennett, Brakefield, Cobb, Howard, Kelley and Naramore. —6

## AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, S. 387 as amended:

Amend S. B. 387 on page 2, Section 6, line 33 by adding after the words the following: add a new Section 6 and renumber all sections accordingly.

Section 6: No county commissioner in Tuscaloosa County shall receive less than \$12,000 per year.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment offered by Rep. Johnson (Roy) to the bill, S. 387 as amended, was tabled.

Yeas 46; Nays 23.

*Yeas:*

Mr. Speaker, Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Cobb, Coburn, Crow, Dixon, Drinkard, Ford, Gilmer, Goodwin, Grouby, Hammett, Harper (T), Higginbotham, Hines, Howard, Kelley, Langford, Letson, McKee, McMillan, Naramore, Patton, Pegues, Penry, Rains, Ray, Sandusky, Shavers, Smith (C), Starkey, Stout, Turner, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—46

*Nays:*

Reps. Adams (C), Amari, Barton, Bennett, Dial, Grimsley, Hall, Harrison, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Laird, Mitchell, Nevett, Olive, Payne, Penry, Reed, Seibels, Shoemaker and Wyatt.

—23

And the bill, S. 387 as amended, was read a third time at length and passed.

Yeas 59; Nays 21.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Ford, Goodwin, Grouby, Hammett, Harvey, Higginbotham, Hines, Holmes, Howard, Johnson (Roy), Kelley, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Payne, Ray, Reed, Sandusky, Seibels, Smith (C), Smith (J), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—59

*Nays:*

Reps. Adams (C), Albright, Cosby, Daniels, Gilmer, Grimsley, Hall, Harrison, Holley, Johnson (R. G.), Laird, Letson, McKee, Olive, Owens, Pegues, Penry, Rains, Sasser, Stout and Whatley.

—21

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 425. FORBIDDING AUBURN A-DAY FOOTBALL GAME ENDING WITH A TIE SCORE.

## SPECIAL ORDER RESUMED

And the bill:

S. 109. (With Amendment): To establish and fix minimum salaries of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State; to abolish the fee system of compensation of such officials presently on a fee system; to provide for the method of payment of the salaries herein established; to provide for the personnel and other expenses necessary to the operation of such officials' offices; to provide that employees of the officials herein converted from a fee to a salary basis of compensation may continue their employment provided such employment commenced prior to passage of the Alabama Ethics Act; to provide for the payment of the fees, commissions and allowances paid to such officials presently on a fee system to be paid into the treasury from which their salaries are paid; to repeal all laws in conflict; and to establish the effective date of this Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 109, as substituted, on Page 3, Line 34, by deleting Section 3 in its entirety and renumbering subsequent sections accordingly.

Yeas 45; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Buskey, Campbell, Cates, Cheatwood, Coburn, Cosby, Crow, Dixon, Escott, Ford, Gilmer, Goodwin, Grouby, Hall, Harper (O), Higginbotham, Hines, Holley, Holmes, McKee, McMillar, Manley, Minus, Mitchell, Nevett, Pegues, Reed, Roberts, Sandusky, Seibels, Starkey, Turner, Waggoner, Warren, Whatley, Willis, Wyatt and Zoghby.

—45

*Nays:* Reps. Clark (G) and Payne.

—2

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, S. 109 as amended:

On page 2, line 28, after the word "Act" insert the following language:

and upon approval by the county governing body of a resolution of authorization,

## AMENDMENT TABLED

On motion of Rep. Waggoner, the amendment offered by Rep. Cosby to the bill, S. 109 as amended, was tabled.



Yeas 38; Nays 37.

*Yeas:*

Mr. Speaker, Albright, Barton, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Cobb, Coburn, Crow, Edwards, Gafford, Goodwin, Grouby, Harvey, Higginbotham, Holmes, Howard, Langford, Manley, Mitchell, Moore, Naramore, Nevett, Penry, Sandusky, Seibels, Shavers, Starkey, Stout, Trammell, Turner, Waggoner, Ward, Wyatt and Zoghby.

—38

*Nays:*

Reps. Adams (C), Carothers, Cates, Cheatwood, Cosby, Dial, Dixon, Escott, Gilmer, Gregg, Grimsley, Harrison, Hines, Holley, Johnson (R. G.), Johnson (Roy), Laird, Letson, Lewis, McKee, McMillan, Minus, Olive, Parker, Patton, Payne, Pegues, Rains, Reed, Sasser, Shoemaker, Smith (C), Smith (M), Venable, Warren, Whatley and Williams.

—37

#### MOTION TO TEMPORARILY POSTPONE

Rep. Adams (C) offered the motion to temporarily postpone further consideration of the bill, S. 109 as amended.

#### MOTION TO TABLE LOST

The motion offered by Rep. Coburn to table the motion offered by Rep. Adams (C) to temporarily postpone consideration of the bill, S. 109 as amended, was lost.

Yeas 39; Nays 40.

*Yeas:*

Mr. Speaker, Albright, Barton, Bedsole, Biddle, Bowling, Cabaniss, Clark (G), Cobb, Coburn, Crow, Dixon, Edwards, Gilmer, Goodwin, Gregg, Grouby, Harper (T), Harvey, Higginbotham, Hines, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Patton, Reed, Sandusky, Seibels, Smith (J), Starkey, Venable, Waggoner, Warren, Willis, Wyatt and Zoghby.

—39

*Nays:*

Reps. Adams (C), Amari, Boles, Brakefield, Carothers, Carter, Cates, Cheatwood, Cosby, Daniels, Dial, Grimsley, Hall, Harper (O), Harrison, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Stout, Turner and Whatley.

—40

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 2. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools and to provide penalties for failure to report said incidents.

Also:

S. 8. To make a supplemental appropriation to the State Board of Physical Therapy from the Physical Therapist Fund for the fiscal year ending September 30, 1982.

Also:

S. 36. To authorize any Class 2, 3, 4, 5, 6, 7 or 8 municipality within the state of Alabama to adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to provide for the election and terms of the first council; to provide for the election and term of the mayor; to define the legal status, form of government and powers of the municipality; to provide for subsequent elections of members of the council and the mayor, their number and their terms of office; to provide for the qualifications, powers and authority of the council, the mayor, city clerk and the treasurer; and to provide for the appointment and removal and to define the powers of the city manager; to set up the terms and effects of succession in government of any municipality adopting the council-manager form of government; to provide for the establishment and re-establishment of districts and to make various other provisions for such form of government of any such municipality; and to provide for the means of abandoning the council-manager form of government.

Also:

S. 44. To provide that all teachers, administrative supervisory personnel, full time support employees, and adult school bus drivers at the Kate Duncan Smith High School in Grant, Alabama, shall, if they desire coverage, receive the hospital medical insurance supplement provided by the state for other such employees in the public schools of Alabama.

Also:

S. 47. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an Environmental Management Commission within the Department; to provide for powers and functions of the Environmental Management Commission; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for the repeal of, exemption from or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions, and equipment of the Coastal Area Board to the Office of State Planning and Federal Programs; to provide for the creation of a Coastal Resources Advisory Committee; to provide for the severability of provisions of the Act; and to provide for an effective date of this Act.

Also:

S. 62. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental and eye care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method

for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

Also:

S. 188. To amend Section 26-19-1, Code of Alabama 1975, relating to adoption of children, so as to permit single person adoptions, and to prohibit the Department of Pensions and Security except in certain instances from promulgating rules requiring persons seeking to adopt children to cease employment.

Also:

S. 215. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

Also:

S. 236. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

Also:

S. 266. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of roads, highways, or railroads without permission from adjacent landowner, so as to increase penalties for the violation thereof.

Also:

S. 312. To make a conditional appropriation from the Alabama Special Educational Trust Fund to Madison, Dallas, Bullock and Macon County Boards of Education, and the Bessemer Board of Education for capital outlay purposes to be used to restore or replace the Central School and Jess Lanier High School and Dallas County High School at Plantersville which were destroyed by fire.

Also:

S. 337. To provide authority for the state board of education to establish a state-funded scholarship program for students in Alabama's institutions of higher education who are seeking teacher certification in secondary mathematics, chemistry, physics biology or general science through enrollment in a State Board of Education approved teacher education program; provide that the state board of education shall receive a letter of commitment from scholarship recipients; and provide for conditional termination of the scholarship program.

Also:

S. 468. Proposing an amendment to the Constitution of Alabama prescribing certain procedures that will allow proposed constitutional amendments which affect or apply to only one county to be adopted as an amendment to the constitution by a majority vote of the people of the county

affected, provided that such proposed amendment has first been unanimously approved by at least a three-fifths vote of the elected members of each house and unanimously approved by a local constitutional amendment commission and then subsequently approved by a majority of the electors in the county affected.

Also:

S. 517. Relating to School District One, Madison County; authorizing the county governing body of Madison County to levy, assess and collect a one percent sales and use tax in school District One, Madison County, in order to raise funds for the operation of the public schools in School District One, Madison County; providing certain limitations on the levying of the tax; providing for the enforcement and collection of the tax and distribution thereof; prescribing the purposes for which such proceeds may be used; providing for a referendum on said tax.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 780. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; and to suspend Sections 41-9-700 through 41-9-707, Code of Alabama 1975, during the operative period of this Act.

Also:

H. 782. Relating to Bullock County; to provide for the election of the chairman of the county commission.

Also:

H. 783. Relating to Bullock County; to provide further for the compensation of the employees in the office of the county tax collector.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

S. 109 RESUMED

S. 109 TEMPORARILY POSTPONED

The question was then on the motion offered by Rep. Adams (C) to temporarily postpone further consideration of the bill, S. 109 as amended, and the motion was adopted.

Yeas 48; Nays 35.

*Yeas:*

Reps. Adams (C), Adams (H), Albright, Amari, Bennett, Boles, Brakefield, Carothers, Cates, Cheatwood, Cosby, Daniels, Dial, Ford, Grimsley, Hall, Harper (O), Harrison, Hines, Holley, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Mitchell, Nevett, Olive, Parker, Payne, Pegues, Penry, Reed, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Venable, Whatley and Williams.

—48

*Nays:*

Mr. Speaker, Barton, Bedsole, Cabaniss, Carter, Clark (G), Cobb, Coburn, Crow, Dixon, Edwards, Gilmer, Goodwin, Gregg, Grouby, Harper (T), Higginbotham, Holmes, Kennedy, Manley, Minus, Moore, Naramore, Patton, Rains, Ray, Starkey, Trammell, Turner, Turnham, Waggoner, Warren, Willis, Wyatt and Zoghby.

—35

CONFERENCE COMMITTEE REPORT

HOUSE BILL 788

We, the Committee of Conference appointed to reconcile the differences of the two Houses concerning House Bill 788, have met in conference and have agreed to the following:

We recommend that the Senate recede from its amendment to the bill and the bill as passed by the House be agreed to by both Houses.

GERALD DIAL,

WALLACE SHOEMAKER,

RONALD G. JOHNSON,

Conferees on the part of the House.

DONALD HOLMES,

JOHN A. TEAGUE,

LISTER HILL PROCTOR,

Conferees on the part of the Senate.

COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Dial, the House concurred in and adopted the Report of the Committee on Conference appointed to resolve the differences between

the two Houses on the Senate amendment to the bill, H. 788, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 35; Nays 0.

*Yeas:*

Mr. Speaker, Bedsole, Cates, Cheatwood, Clark (G), Cosby, Crow, Escott, Gilmer, Harper (O), Harper (T), Hines, Holmes, Howard, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Ray, Sasser, Seibels, Shoemaker, Starkey, Trammell, Venable, Warren, Whatley, Willis and Wyatt.

—35

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 788. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 40; Nays 0.

*Yeas:*

Mr. Speaker, Bedsole, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Gilmer, Harper (O), Harper (T), Harvey, Hines, Holmes, Howard, Johnson (R. G.), McMillan, Manley, Moore, Naramore, Nevett, Olive, Pegues, Penry, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Trammell, Venable, Warren, Whatley, Willis and Wyatt.

—40

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RESOLUTION

The following resolution was introduced:

By Rep. Rains:

H. J. R. 426. NAMING S. B. 387, "THE WHITE-NARAMORE ACT."

WHEREAS, Senator Dewey White and Representative Alvis Naramore have worked timelessly to gain passage of Senate Bill 387 through the Legislature, a bill to grant minimum salaries to county commissions of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Senate Bill 387 be known as "The White-Naramore Act."

RESOLVED FURTHER, That Senator White and Representative Naramore each receive a copy of this resolution.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 426, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 399. COMMENDING JOSEPH F. VOLKER, CHANCELLOR, UNIVERSITY OF ALABAMA.

Also:

H. J. R. 401. COMMENDING REVEREND GEORGE HAYWOOD ON THE 101st ANNIVERSARY OF HIS BIRTH.

Also:

H. J. R. 402. PROPOSING THE ENDORSEMENT OF MRS. JEAN SULLIVAN OF SELMA, ALABAMA, TO BE THE FEDERAL CO-CHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION OF THE UNITED STATES OF AMERICA.

Also:

H. J. R. 404. MOURNING THE DEATH OF MRS. MILDRED SIMMS WILLIAMS OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 405. COMMENDING MR. CHARLIE GATLIN OF DALEVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 409. COMMENDING THE WOMEN OF NEW PILGRIM BAPTIST CHURCH, BIRMINGHAM, ALABAMA.

Also:

H. J. R. 411. URGING THE COUNTY AND CITY GOVERNING BODIES TO EARMARK AT LEAST 50% OF THE RESULTING INCREASE OF THE PROCEEDS DERIVED FROM H. B. 165 OF THE 1982 REGULAR SESSION TO MONTGOMERY COUNTY BOARD OF EDUCATION.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 424. NAMING THE OVERPASS AT THE INTERSECTION OF GOVERNOR'S DRIVE AND THE MEMORIAL PARKWAY IN HUNTSVILLE, ALABAMA, "THE AMERICAN LEGION BRIDGE".

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 341. To amend the "Hazardous Waste Management Act of 1978", as amended, and as now appearing as Sections 22-30-1 through 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, 22-30-17 and 22-30-19 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to provide strict liability monetary sanctions for certain enumerated acts, to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to allow substitution of proper shipping papers for the manifest to accompany bulk shipments by rail and water; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application, but limits the number of permits for commercial hazardous waste facilities and sites in any one county without legislative approval.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Taylor, White, and St. John.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 754. To establish a Public Defender Fund within the 24th Judicial Circuit and to provide funding for said Public Defender Fund.

Also:

H. 241. To amend Section 11-50-393, Code of Alabama 1975, so as to authorize and increase in the fees payable to members of the board of directors; to provide for the election of a chairman of the board of directors; to provide an effective date.



Also:

H. 813. To amend Section 22-19-60 of the Code of Alabama 1975, relating to anatomical gifts by holders of drivers' licenses or nondriver identification cards, so as to require that the specific gift be indicated on the driver's license or nondriver identification card of the donor.

Also:

H. 133. To amend Section 21-7-4, Code of Alabama 1975, relating to the right of blind persons to be accompanied by a guide dog, so as to extend said right to persons using a hearing dog.

Also:

H. 60. To amend further §11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

Also:

H. 204. To make an appropriation from the state general fund for the relief of Linda Roberts of Dallas County who was gravely injured by two state prisoners who had escaped after being incarcerated in a county jail facility.

McDOWELL LEE,  
Secretary.

#### S. 322 AGAIN TAKEN UP

And the bill, S. 322 which temporarily was postponed as amended, was read a third time at length lost, lacking a three-fifths vote of all those elected to the House.

Yeas 60; Nays 13.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Coburn, Daniels, Dial, Dixon, Escott, Gafford, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harrison, Higginbotham, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McKee, Minus, Moore, Nevett, Patton, Pegues, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—60

*Nays:*

Reps. Boles, Brakefield, Cheatwood, Gilmer, Harper (T), Harvey, Holley, Johnson (Roy), Naramore, Olive, Rains, Stout and Turner.

—13

#### RESOLUTION

The following resolution was introduced:

By Reps. Cabaniss, Smith (M), Venable, Mitchell and McKee:

H. R. 427. DESIGNATING THE RECIPIENT OF THE ANNUAL SHROUD AWARD OF THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, the House of Representatives Shroud Award is an annual presentation traditionally bestowed upon that member which is credited with having sponsored the deadest piece of legislation of the session; and

WHEREAS, past recipients of this distinct designation are further rewarded in the knowledge that they have at least accomplished something which is not necessarily a fact in common with each and every member; and

WHEREAS, we have been advised, however, by members of the Shroud Award selection committee that they have deviated somewhat from the criteria of previous years and that this year's award will be given more or less as a diploma for having "passed" a "stiff" course to graduate with honors "at the end"; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That in the "final" analysis, the members of the Shroud Award selection committee have determined that this year's annual Shroud Award shall be given for completion, with an A+ despite a few bad grades, of a 30-day cram course in House Rules and parliamentary procedures, and that the winner, in a "dead" heat, is . . . the Honorable Roy Johnson.

On motion of Rep. Cabaniss, the rules were suspended and the resolution, H. R. 427, was adopted.

#### SPECIAL ORDER RESUMED

And the bill:

S. 276. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

Was read a third time at length and passed.

Yeas 41; Nays 3.

Yeas:

Mr. Speaker, Bedsole, Bennett, Carothers, Carter, Cheatwood, Cosby, Crow, Daniels, Edwards, Grimsley, Grouby, Harper (T), Harvey, Holley, Holmes, Kelley, Kennedy, Langford, Lewis, McMillan, Minus, Naramore, Nevett, Parker, Payne, Pegues, Reed, Sandusky, Sasser, Smith (C), Smith (J), Stewart, Trammell, Turner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—41

Nays: Reps. Gilmer, Olive and Rains.

—3

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Gafford to suspend the rules in order to take up out of order the bill, S. 510, was lost.

Yeas 3; Nays 8.

*Yeas:* Reps. Bennett, Seibels and Waggoner.

—3

*Nays:*

Reps. Boles, Cheatwood, Harrison, Howard, Lewis, Olive, Payne and Whatley.

—8

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Dixon, the rules were suspended in order to take up out of order the bill, S. 246.

Yeas 50; Nays 1.

*Yeas:*

Reps. Amari, Barton, Bedsole, Bennett, Bowling, Buskey, Carothers, Cobb, Cooley, Daniels, Dixon, Drinkard, Edwards, Escott, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Holley, Holmes, Howard, Johnson (Roy), Kelley, Langford, Letson, Lewis, McKee, McMillan, Minus, Nevett, Parker, Ray, Reed, Sandusky, Seibels, Shavers, Smith (C), Starkey, Stewart, Stout, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—50

*Nay:* Rep. Johnson (R. G.).

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 246. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers in a motion picture approved and coordinated by the Alabama Film Commission in conjunction with and under the jurisdiction and supervision of the Department of Industrial Relations and to set forth protective employment conditions for such children under the age of 16.

Was read a third time at length and passed.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Bowling, Buskey, Carothers, Cates, Cheatwood, Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Nevett, Olive, Parker, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stout, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—70

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Smith (J) to suspend the rules in order to take up out of order the bill, S. 219, was lost.

Yeas 24; Nays 26.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Buskey, Campbell, Cooley, Escott, Grouby, Hammett, Harper (T), Langford, Letson, Nevett, Ray, Reed, Smith (C), Smith (J), Starkey, Stewart, Ward, Warren, Wyatt and Zoghby.

—24

*Nays:*

Reps. Bennett, Biddle, Bowling, Cabaniss, Carothers, Cheatwood, Clark (G), Cosby, Gilmer, Grimsley, Harrison, Holley, Howard, Johnson (R. G.), Johnson (Roy), Minus, Moore, Olive, Parker, Patton, Pegues, Penry, Sasser, Seibels, Shavers and Williams.

—26

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RESOLUTIONS

The following resolutions were introduced:

By Rep. Moore:

H. J. R. 428. DESIGNATING H. B. 320, OF THE 1982 REGULAR SESSION, "THE REED-MARTIN BILL".

WHEREAS, Representative Thomas Reed of Macon County and Senator Charles Martin of Morgan County worked diligently to promote and pass S. B. 236 and H. B. 320 relating to the board of registrars; and

WHEREAS, they realize the valuable time and service that the members of the board of registrars of the State of Alabama served; and

WHEREAS, the members of the board of registrars spend many hours working to encourage the people of Alabama to register and vote; and

WHEREAS, many times the expenses incurred must come out of their pockets; and

WHEREAS, Representative Reed and Senator Martin realize the vital services monetarily and remuneratively spent; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. B. 320 of the 1982 Regular Session, which has passed both houses, be designated and known as the "Reed-Martin Bill."

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 428, was adopted.

Also:

By Rep. Venable:

H. J. R. 429. PROVIDING FOR COMMON DATES FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1982 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS, the Justices of the Supreme Court of Alabama on a former occasion advised the Legislature in an Opinion of the Justices, No. 177, 275 Ala. 372, 1963, that there is no constitutional impediment in the same Legislature at a succeeding session changing the date for holding the election on a proposed amendment; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That an election upon all constitutional amendments proposed by an act of the 1982 Regular Session of the Alabama Legislature is ordered to be held, not less than three months after final adjournment of the said 1982 Regular Session, on November 2, 1982, unless the original act proposing the constitutional amendment sets the date to coincide with another state-wide primary, general or special election held not earlier than after the expiration of three months from date of final adjournment of the 1982 Regular Session. Proposed amendments may be scheduled at any regularly scheduled election in 1982.

BE IT FURTHER RESOLVED, That when an act proposes an election on a constitutional amendment at one of several elections, the Governor and Secretary of State shall consult with the primary sponsor of the act before setting an election on said amendment.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 429, was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Adams (H), the rules were suspended in order to receive the bill, H. 246 with Senate amendment.

Yeas 56; Nays 2.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Bowling, Brakefield, Campbell, Carter, Cates, Cobb, Cooley, Crow,

Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Hines, Holley, Johnson (R. G.), Kelley, Letson, McMillan, Minus, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—56

*Nays:* Reps. Howard and Johnson (Roy).

—2

#### H. 246 TEMPORARILY POSTPONED

On motion of Rep. Biddle, the bill, H. 246 with Senate amendment, was temporarily postponed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 39. To provide for additional judgeships for certain judicial circuits of Alabama; to provide for the appointment of the first judge to fill said judgeships; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judges; to increase the number of circuit judges in certain judicial circuits by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of certain judicial circuits shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division in certain judicial circuits.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 341. Regulating further license plates to be used for motor vehicles; providing for distinctive license plates for vehicles owned by certain fire fighters.

said Conference Report being in words and figures as follows:

#### REPORT OF CONFERENCE COMMITTEE

#### SENATE BILL 341

We, the Committee of Conference, appointed to reconcile the differences of the two houses concerning Senate Bill 341 have met in conference and have agreed to accept the following amendment.

AMENDMENT TO S. B. 341

Amend Senate Bill 341, on page 2, line 38 by deleting the figure \$5.00 and inserting in lieu thereof the figure \$3.00

TOMMY ED ROBERTS,

GEORGE G. SEIBELS, JR.,

T. EUCLID RAINS,

Conferees on the part of the House.

JAMES LEMASTER,

CHARLES B. MARTIN,

ROBERT I. GULLEDGE,

Conferees on the part of the Senate.

And said Bill, S. B. 341, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Roberts, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 341, said Report being set out in the above and foregoing Message from the Senate.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Hines, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Minus, Moore, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

—61

And the bill, S. 341 as amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Grouby, Hammett, Harper (O), Harvey, Higginbotham, Hines, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Minus, Moore, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels,

Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Warren, Willis, Wyatt and Zoghby.

—63

## MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, AL 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 767 without his signature and approval and with suggested Executive Amendments.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 26th day of April, 1982.

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 767 without my signature and approval and with the following suggested Executive Amendments:

On page four of the enrolled bill, on line 13 from the top, second full paragraph, delete the words "All of" and begin the paragraph with the words "The above described parcels".

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,

FOB JAMES,  
Governor.

## GOVERNOR'S MESSAGE

On motion of Rep. Letson, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 767, said Executive amendment being set out in the above and foregoing Message from the Governor.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Grouby, Hammett, Harper (O), Harvey, Higginbotham, Horn, Johnson (R. G.), Kennedy, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray,



Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Turnham, Ward, Warren, Willis and Zoghby.

—55

And the bill:

H. 767. Relating to Lawrence County; to rearrange the boundaries of the City of Moulton, so as to exclude from the corporate limits of said city certain territory within such limits.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 51; Nays 0.

*Yeas:*

Mr. Speaker, Biddle, Brakefield, Buskey, Cabaniss, Carter, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Ford, Gafford, Goodwin, Grimsley, Hammett, Harper (O), Higginbotham, Johnson (R. G.), Kennedy, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Ward, Warren, Willis and Zoghby.

—51

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, AL 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 278 without his signature and approval and with suggested Executive Amendments.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 26th day of April, 1982.

To The Alabama House of Representatives  
State Capitol  
Montgomery, AL 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 278 without my signature and approval and with the following suggested Executive Amendments:

On page one of the enrolled bill, line 5, after the words "secretary of state" add "or other appropriate official".

On page one of the enrolled bill, on line 8 after the word "electors" delete the word "of" and add "who cast ballots in".

Delete Section 1(a) in its entirety and substitute in lieu thereof the following language:

"1(a) The party shall have filed with the Secretary of State or other appropriate official at the same time set by law in Section 17-16-11, Code of Alabama 1975, for candidates in primary elections to qualify a list of the signatures of at least one percent of the qualified electors who cast ballots for the office of Governor in the last general election for the state, county, city, district or other political subdivision in which the political party seeks to qualify candidates for office; and unless".

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,

FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Venable, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 278, said Executive amendment being set out in the above and foregoing Message from the Governor.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Amari, Biddle, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Dixon, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Kennedy, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (J), Smith (M), Trammell, Turnham, Venable, Waggoner, Ward, Willis, Wyatt and Zoghby.

—53

And the bill:

H. 278. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state at the same time set by law in Section 17-16-11, Code of Alabama 1975, for candidates in primary elections to qualify a list of the signatures of at least one percent of the electors of the state, district, county or other political subdivision in which the political party seeks to qualify candidates for office, and unless the party shall have fulfilled all other applicable requirements of federal, state or local laws.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Amari, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Higginbotham, Hines, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis, Wyatt and Zoghby.

—68

#### MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Penry offered the motion to reconsider the vote by which the amendment offered by Rep. Cosby to the bill, S. 109 as amended, was tabled, and to remove the amendment from the table.

#### MOTION TO TABLE LOST

The motion offered by Rep. Waggoner to table the motion to reconsider offered by Rep. Penry, was lost.

Yeas 36; Nays 50.

*Yeas:*

Reps. Barton, Bennett, Bowling, Brakefield, Cabaniss, Carter, Clark (G), Cobb, Coburn, Cooley, Crow, Drinkard, Edwards, Gafford, Goodwin, Gregg, Harvey, Horn, Howard, Johnson (Roy), Kennedy, Manley, Minus, Moore, Naramore, Patton, Ray, Roberts, Seibels, Stewart, Trammell, Turner, Waggoner, Willis, Wyatt and Zoghby.

—36

*Nays:*

Reps. Adams (C), Albright, Bedsole, Boles, Carothers, Cates, Cheatwood, Cosby, Daniels, Dial, Dixon, Escott, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Holley, Holmes, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Mitchell, Olive, Parker, Pegues, Penry, Rains, Reed, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Turnham, Venable, Ward, Warren, Whatley and Williams.

—50

The questions was then on the motion offered by Rep. Penry to reconsider the vote by which the amendment offered by Rep. Cosby to the bill, S. 109 as amended, was tabled, and to remove the amendment from the table, and the motion to reconsider was adopted.

Yeas 48; Nays 38.

*Yeas:*

Reps. Albright, Boles, Carothers, Cates, Cheatwood, Cosby, Daniels, Dixon, Gilmer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison,

Hines, Holley, Holmes, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Olive, Parker, Pegues, Penry, Rains, Reed, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Turner, Turnham, Venable, Ward, Warren, Whatley and Williams.

—48

*Nays:*

Reps. Adams (C), Amari, Barton, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Cobb, Coburn, Cooley, Crow, Drinkard, Edwards, Gafford, Goodwin, Horn, Jackson, Johnson (Roy), Kelley, Langford, Moore, Naramore, Patton, Ray, Roberts, Sandusky, Seibels, Stewart, Trammell, Tucker, Waggoner, Willis, Wyatt and Zoghby.

—38

#### AMENDMENT ADOPTED

The question was again on the adoption of the amendment offered by Rep. Cosby to the bill, S. 109 as amended, and the amendment was adopted.

Yeas 41; Nays 29.

*Yeas:*

Reps. Albright, Boles, Carothers, Cates, Cosby, Daniels, Dixon, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Holley, Holmes, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Olive, Parker, Pegues, Penry, Rains, Riddick, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Turnham, Venable, Ward, Warren, Whatley and Williams.

—41

*Nays:*

Reps. Adams (C), Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Clark (G), Cobb, Coburn, Cooley, Dial, Drinkard, Edwards, Gafford, Goodwin, Harvey, Horn, Johnson (Roy), Kelley, Minus, Moore, Naramore, Roberts, Seibels, Stewart, Trammell, Wyatt and Zoghby.

—29

#### AMENDMENT OFFERED

Rep. Letson offered the following amendment to the bill, S. 109 as amended:

Amend the Substitute to S. B. 109 on page 3, Section 2, line 6 by striking the amount "25,001" and inserting in lieu thereof the amount "35,001".

#### AMENDMENT TABLED

On motion of Rep. Waggoner, the amendment offered by Rep. Letson to the bill, S. 109 as amended, was tabled.

Yeas 43; Nays 25.

*Yeas:*

Reps. Adams (C), Barton, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Cobb, Coburn, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Gafford,

Gilmer, Goodwin, Grimsley, Grouby, Hammett, Higginbotham, Horn, Kelley, Kennedy, Langford, McKee, McMillan, Minus, Moore, Naramore, Nevett, Riddick, Sasser, Seibels, Starkey, Turner, Waggoner, Warren, Whatley, Willis, Wyatt and Zoghby.

—43

*Nays:*

Reps. Boles, Bowling, Carothers, Carter, Cheatwood, Cosby, Harper (T), Harrison, Harvey, Holley, Holmes, Howard, Johnson (R. G.), Laird, Letson, Lewis, Olive, Pegues, Penry, Rains, Reed, Roberts, Tucker, Turnham and Venable.

—25

#### AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, S. 109 as amended:

Omit Section 11 entirely insert new section 11 as follows:

"This act shall be effective immediately following the adoption and signing by the Governor on the first day of the next term of office of the officials affected herein."

#### AMENDMENT TABLED

On motion of Rep. Waggoner, the amendment offered by Rep. Laird to the bill, S. 109 as amended, was tabled.

Yeas 64; Nays 15.

*Yeas:*

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Higginbotham, Holmes, Horn, Howard, Kelley, Kennedy, Langford, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Pegues, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Willis and Zoghby.

—64

*Nays:*

Reps. Adams (C), Cosby, Daniels, Harper (O), Harrison, Laird, Letson, McKee, Olive, Penry, Rains, Sasser, Smith (C), Turnham and Whatley.

—15

#### S. 109 TEMPORARILY POSTPONED

On motion of Rep. Smith (M), further consideration of the bill, S. 109 as amended, was temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 60. To amend further §11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

Also:

H. 133. To amend Section 21-7-4, Code of Alabama 1975, relating to the right of blind persons to be accompanied by a guide dog, so as to extend said right to persons using a hearing dog.

Also:

H. 204. To make an appropriation from the state general fund for the relief of Linda Roberts of Dallas County who was gravely injured by two state prisoners who had escaped after being incarcerated in a county jail facility.

Also:

H. 241. To amend Section 11-50-393, Code of Alabama 1975, so as to authorize and increase in the fees payable to members of the board of directors; to provide for the election of a chairman of the board of directors; to provide an effective date.

Also:

H. 754. To establish a Public Defender Fund within the 24th Judicial Circuit and to provide funding for said Public Defender Fund.

Also:

H. 813. To amend Section 22-19-60 of the Code of Alabama 1975, relating to anatomical gifts by holders of drivers' licenses or nondriver identification cards, so as to require that the specific gift be indicated on the driver's license or nondriver identification card of the donor.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 10. To amend sections 17-7-1, as amended, and 17-16-43, as amended, of the Code of Alabama 1975, relating to the time of qualification of any candidate for public office, so as to provide that all candidates must qualify by the same date.

Also:

H. 41. To amend Act No. 80-691, H. 811, 1980 Regular Session (Acts of Alabama 1980, p. ), which Act creates the Alabama Toll Road, Bridge and Tunnel Authority, defines its powers and duties and authorizes the issuance of revenue bonds, so as to remove certain maximum rates of annual interest such bonds shall bear, thereby authorizing the Authority to sell such bonds in such a manner and for such a price as it may determine to be in the best interest of the Authority.

Also:

H. 528. To prohibit certain insurance companies from denying certain coverage because a person has sickle-cell anemia.

Also:

H. 320. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 386. RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bills:

S. 379. To amend §8-8-7 of the Code of Alabama 1975 in order to exempt from all laws governing usury any bonds, notes, warrants, other evidences of indebtedness or securities issued by the State of Alabama or any department, agency or instrumentality thereof or by any not-for-profit public or private corporation and by any board of water and sewer commissioners created under the provision of Article 10, Chapter 50, Title 11, Code of Alabama 1975 and authorized to issue bonds under Section 11-50-345, Code of Alabama 1975 at any time created for the purpose of acting as an instrumentality of the State of Alabama or otherwise acting in the public interest.

Also:

S. 86. To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

McDOWELL LEE,  
Secretary.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 399. COMMENDING JOSEPH F. VOLKER, CHANCELLOR, UNIVERSITY OF ALABAMA.

Also:

H. J. R. 401. COMMENDING REVEREND GEORGE HAYWOOD ON THE 101ST ANNIVERSARY OF HIS BIRTH.

Also:

H. J. R. 402. PROPOSING THE ENDORSEMENT OF MRS. JEAN SULLIVAN OF SELMA, ALABAMA, TO BE THE FEDERAL CO-CHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION OF THE UNITED STATES OF AMERICA.

Also:

H. J. R. 404. MOURNING THE DEATH OF MRS. MILDRED SIMMS WILLIAMS OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 405. COMMENDING MR. CHARLIE GATLIN OF DALEVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 409. COMMENDING THE WOMEN OF NEW PILGRIM BAPTIST CHURCH, BIRMINGHAM, ALABAMA.

Also:

H. J. R. 411. URGING THE COUNTY AND CITY GOVERNING BODIES TO EARMARK AT LEAST 50% OF THE RESULTING INCREASE OF THE PROCEEDS DERIVED FROM H. B. 165 OF THE 1982 REGULAR SESSION TO MONTGOMERY COUNTY BOARD OF EDUCATION.

Also:

H. J. R. 424. NAMING THE OVERPASS AT THE INTERSECTION OF GOVERNOR'S DRIVE AND THE MEMORIAL PARKWAY IN HUNTSVILLE, ALABAMA, "THE AMERICAN LEGION BRIDGE."



And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 788. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

And said Bill, H. B. 788, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 10. To amend sections 17-7-1, as amended, and 17-16-43, as amended, of the Code of Alabama 1975, relating to the time of qualification of any candidate for public office, so as to provide that all candidates must qualify by the same date.

Also:

H. 41. To amend Act No. 80-691, H. 811, 1980 Regular Session (Acts of Alabama 1980, p. ), which Act creates the Alabama Toll Road, Bridge and Tunnel Authority, defines its powers and duties and authorizes the issuance of revenue bonds, so as to remove certain maximum rates of annual interest such bonds shall bear, thereby authorizing the Authority to sell such bonds in such a manner and for such a price as it may determine to be in the best interest of the Authority.

Also:

H. 320. To amend section 17-4-153 of the Code of Alabama 1975 relating to the compensation for boards of registrars, so as to provide further for the compensation and expense allowance for said boards.

Also:

H. 528. To prohibit certain insurance companies from denying certain coverage because a person has sickle-cell anemia.

Also:

H. J. R. 386. RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE OF CUSTODY AND ASSIGNMENT OF ACT NUMBER.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 788. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 387. To provide for a minimum salary for county commissioners and chairmen of county commissions.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor returning House Bill No. 153 as substituted and amended without the Governor's signature and approval.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 26th day of April, 1982.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 153 as substituted and amended, without my signature and approval and with the following suggested Executive Amendment:

Deleting Section 3-A-2 in its entirety and inserting in lieu thereof the following new Section 3-A-2:

2. Arts and Humanities, Council  
on the:

(a) Fine Arts Program .....	888,060
(b) Jefferson County Committee for Economic Opportunity, Inc.	25,000
(c) Alabama Outdoor Drama ....	10,000
(d) Brown Arts Council .....	7,500
(e) Heritage Band .....	10,000

The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel Department of \$532.

SOURCE OF FUNDS:

(1) ASETF-Transfer .....	600,000		
(2) Federal and Local Funds ....		340,560	
Total Council on the Arts and Humanities .....	600,000	340,560	940,560

In addition to the above appropriation, \$252,500 is hereby appropriated from the Alabama Special Educational Trust Fund to the Council on the Arts and

Humanities to be conditioned on the availability of funds and the approval of the Governor.

Deleting Section 3-A-5 in its entirety and inserting in lieu thereof the following new Section 3-A-5:

5. Education, Department of:

(a) Instructional Technical Assistance Program .....	7,074,285
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The proposed spending plan for the above is as follows:

Career Education .....98,000

Vocational Education ....651,000

Special Education Admin. 450,000

SOURCE OF FUNDS:

(1) ASETF .....	1,722,441		
(2) Federal and Local Funds ....		<u>5,351,844</u>	
Total Instructional Technical Assistance Program .....	<u>1,722,441</u>	<u>5,351,844</u>	<u>7,074,285</u>

(b) Local Agency Support Program .....	10,336,514
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The proposed spending plan for the above is as follows:

Driver Education, School Bus Driver Training and Vehicle Safety Inspection .....205,000

Free Textbooks .....7,887,700

In addition to the above appropriation, \$2,450,000 is hereby appropriated from the Alabama Special Educational Trust Fund for Free Textbooks to be conditioned on the availability of funds and the approval of the Governor.

Testing .....500,000

In addition to the above appropriation, \$250,000 is hereby appropriated from the Alabama Special Educational Trust Fund for Testing to be conditioned on the availability of funds and the approval of the Governor.

Plans and Survey .....71,000

SOURCE OF FUNDS:

(1) ASETF .....	8,663,700	
(2) Federal and Local Funds ....		<u>1,672,814</u>

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30th Day

2087

Total Local Agency Support Program .....	8,663,700	1,672,814	10,336,514
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(c) Regulation Program .....			1,196,000
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Teacher and Certification and Accreditation .....	257,105		
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SOURCE OF FUNDS:

(1) ASETF .....	257,105		
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(2) Federal and Local Funds ....		938,895	
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Total Regulation Program .....	257,105	938,895	1,196,000
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(d) Administrative Services Program .....			10,879,032
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The proposed spending plan for the above is as follows:

Compact for Education ...	32,000		
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Operations & Maintenance of Department .....	1,594,822		
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Telephone Network Fund .....	1,300,000		
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SOURCE OF FUNDS:

(1) ASETF .....	2,926,822		
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(2) Federal and Local Funds ....		7,952,210	
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Total Administrative Services Program .....	2,926,822	7,952,210	10,879,032
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The above appropriation shall include a transfer to the State Personnel Department of \$72,952.

(e) Adult Education Program ...			3,925,496
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The proposed spending plan for the above is as follows:

Adult Basic Education ...	1,400,000		
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Community Education ...	160,000		
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SOURCE OF FUNDS:

(1) ASETF .....	1,560,000		
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(2) Federal and Local Funds ....		2,365,496	
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Total Adult Education Program ..	1,560,000	2,365,496	3,925,496
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(f) Support of State Universities Program .....			256,833
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....		256,833	
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Total Support of State Universities Program .....	256,833		256,833
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(g) Projects—Vocation  
Rehabilitation/Crippled Children Services Program ..... 601,145

## SOURCE OF FUNDS:

(1) Federal and Local Funds .... 601,145

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Total Projects-Voc. Rehab/Crippled  
Children Services Program .... 601,145 601,145

(h) Disability Determination for  
Social Security Program ..... 16,704,067

## SOURCE OF FUNDS:

(1) Federal and Local Funds .... 16,704,067

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Total Disability Determination for  
Social Security Program ..... 16,704,067 16,704,067

(i) Financial Assistance Program 193,198,170

## SOURCE OF FUNDS:

(1) Federal and Local Funds .... 193,198,170

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Total Financial Assistance Program ..... 193,198,170 193,198,170

(j) Support of Other Educational  
Activities ..... 9,300

The proposed spending plan for the  
above is as follows:

Education of Dependents of Blind  
Parents ..... 9,300

## SOURCE OF FUNDS:

(1) ASETF ..... 9,300

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Total Support of Other Educational  
Activities ..... 9,300 9,300

For reimbursement of every State  
Institution of Higher Learning,  
College, University, or Vocational-Technical School or Junior  
College, in which benefits are  
given to dependents of blind parents under the provisions of Act  
No. 281, 1966 Special Session.

(k) Emergency Medical Services  
Education Program ..... 1,500,000

To be distributed by the Department of Education as follows:

(1) West Alabama Emergency  
Medical Services, Inc. . .250,000

(2) Birmingham Regional Emergency Medical System . .250,000

- (3) North Alabama Emergency Medical Services, Inc. . .250,000
- (4) Southeast Alabama Emergency Medical Services System, Inc. ....250,000
- (5) East Alabama Emergency Medical Services, Inc. . .250,000
- (6) Southwest Alabama Emergency Medical Services Council, Inc. ....250,000

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF .....	<u>1,500,000</u>	
Total Emergency Medical Services Education Program .....	<u>1,500,000</u>	<u>1,500,000</u>
(1) Direct Client Services for the Handicapped .....		36,494,545

To be distributed by the Department of Education as follows:

Crippled Children Services Program .....4,431,867

In addition to the above appropriation, \$400,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Crippled Children Services Program to be conditioned on the availability of funds and the approval of the Governor.

Hemophilia Program ....279,000  
Homebound Program . .2,000,000  
Rehabilitation Services Program .....6,166,675  
Handicapped Recreation Program .....186,000

(To provide recreation and services at a year-round accredited handicapped recreation facility).

SOURCE OF FUNDS:

- (1) ASETF .....13,063,542

(2) Federal and Local Funds ....		23,431,003	
Total Direct Client Services for the Handicapped .....	13,063,542	23,431,003	36,494,545

In addition to the above appropriation, the following conditional appropriation is hereby made:

Cystic Fibrosis Treatment Program (All age groups included) ..... 270,000

Said appropriation is to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

Total Department of Education:

SOURCE OF FUNDS:

(1) ASETF .....	29,702,910		
(2) Federal and Local Funds ....		252,472,477	
Grand Total Department of Education .....	29,702,910	252,472,477	282,175,387

Deleting Section 3-A-6 in its entirety and inserting in lieu the following new Section 3-A-6:

6. Employees' Insurance, State .. 816,000

SOURCE OF FUNDS:

(1) ASETF .....	816,000		
Total State Employees' Insurance .....	816,000		816,000

Deleting Section 3-A-14 in its entirety and inserting in lieu thereof the following new Section 3-A-14:

14. State Board of Education—  
Junior College School System:

(a) Academic Instruction and Institutional Support Program .. 74,532,129

SOURCE OF FUNDS:

(1) ASETF .....	44,628,920		
(2) Federal and Local Funds ....		6,293,416	
(3) State Funds .....		3,570,711	
(4) Other Funds .....		14,757,824	
(5) Auxiliary Enterprises .....		5,281,258	
Total Junior College School System .....	44,628,920	29,903,209	74,532,129



In addition to the above appropriation, there is hereby appropriated \$351,750 to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor. This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula:

(A) \$200,000 to each junior college.

(B) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1981-82 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis upon the 1981-82 academic year in accordance with the number of quarter hours attempted within the departments. However, the only major allied health courses will be funded; related courses will be funded the same as non-health programs. Junior Colleges with credit-producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required.

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northwest Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace State Community College at Hanceville, and (21) Shelton State Community College). Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$308,569 may be used by the State Board of Education for administration of the state junior college program.

Deleting Section 3-A-20 and Section 3-A-21 in their entirety and inserting in lieu thereof the following new Section 3-A-20 and Section 3-A-21:

20. Minimum Program and Public  
School Fund:

(a) Financial Assistance Program 524,877,487

SOURCE OF FUNDS:

(1) ASETF .....	486,701,002	
(2) Public School Fund .....		33,500,000
(3) Local Funds .....		<u>4,676,485</u>

Total Minimum Program and Public School Fund .....	<u>486,701,002</u>	<u>38,176,485</u>	<u>524,877,487</u>
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The above appropriation shall be paid in accordance with Title 16, Article 3, 1975 Code of Alabama, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1982-83 is based on 23,432 teacher units.

It is provided in the event there are more than 23,432 earned teacher units for the fiscal year 1982-83, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$397,913,472. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	2,577.69	\$ 48,697,719
I	17,689	12,254.60	216,771,619
II	15,401	8,599.71	132,444,134
III	12,967	0	0
IV	11,261	0	0
		<u>23,432.00</u>	<u>\$397,913,472</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$72,812,597.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,520,034.

For "Principal Supplement" an amount not to exceed the total of \$2,343,200.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$50,138,184.

#### 21. Board of Education:

(a) Financial Assistance Program 265,968,433

#### SOURCE OF FUNDS:

(1) ASETF ..... 265,968,433

Total Board of Education ..... 265,968,433 265,968,433

To be distributed by the State Board of Education for:

(a) Hospital Medical Insurance  
Assistance for Professional Staff,  
Support Staff, and Adult School  
Bus Drivers .....18,481,857

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of three hundred nine dollars (\$309.00) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$309.00 shall be appropriated per person.

(b) Teachers' Sick  
Leave .....3,500,000

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick  
Leave .....1,431,781

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers' Personal  
Leave .....925,598

The appropriation hereinabove made to Teachers' Personal Leave provides for two (2) days personnel leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(e) Funds to Replace  
Fees .....9,405,250

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(f) Maintenance .....5,630,287

(g) Continuation of funds previously granted for Special Education .....25,048,991

\$1,200,000 shall be allocated for handicapped students in vocational education.

Of the \$25,048,991 for Special Education, \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to

the Southwest Alabama School for Deaf and Blind; \$250,000 for the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven school in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$18,000 to Auburn University Preschool for Multi-handicapped children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; \$250,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P. L. 94-142. In addition to the above appropriation, there is hereby appropriated \$2,895,000 to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

(h) Kindergarten teacher  
units .....20,968,703

The above appropriation is for 1,080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$17,542,651. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	31.21	\$ 589,619
I	17,689	349.92	6,189,735
II	15,401	698.87	10,763,297
		<u>1,080.00</u>	<u>\$17,542,651</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$3,355,992.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

(i) Supportive teacher  
units .....33,797,613

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (j). The above appropriation is for 1,677 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$28,477,716. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

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Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	184.45	\$ 3,484,629
I	17,689	876.89	15,511,307
II	15,401	615.66	9,481,780
		<u>1,677.00</u>	<u>\$28,477,716</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$5,211,110.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$108,787.

(j) Continuation of Teacher Units  
to reduce pupil-teacher ratio in  
grades 1-6 .....13,094,375

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$11,032,399. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	71.11	\$ 1,343,410
I	17,689	338.07	5,980,120
II	15,401	240.82	3,708,869
		<u>650.00</u>	<u>\$11,032,399</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$2,019,810.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

(k) Special Education .66,137,296

The above appropriation is for 3,250 teacher units and includes salaries, other current expenses, capital improvements, and transportation at the following rates:

For "Salaries" the sum shall not exceed \$55,027,418. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted to salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	249.92	\$ 4,721,489
I	17,689	1,792.70	31,711,070
II	15,401	1,207.38	18,594,859
		<u>3,250.00</u>	<u>\$55,027,418</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$10,099,050.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

- (1) Vocational teacher  
units .....60,949,040

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

- (m) Driver Education ..6,597,642

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$5,569,826. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	18,892	29.81	\$ 563,171
I	17,689	207.97	3,678,781
II	15,401	86.22	1,327,874
		<u>324.00</u>	<u>\$5,569,826</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$1,006,798.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018.

- (n) Lunchroom Workers ..906,307

The above appropriation is conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

Deleting Section 3-A-23 in its entirety and inserting in lieu thereof the following new Section 3-A-23:

23. Peace Officers' Standards and  
Training Commission, Alabama:

- (a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 116,998
- (b) Certified Law Enforcement  
Academy Program ..... 300,000

The appropriation made above for  
the Certified Law Enforcement  
Academy Program shall be ex-  
pended as follows:

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Jacksonville State Uni-  
versity .....84,000  
University of Alabama ...84,000  
James H. Faulkner Jr. Coll 84,000  
Troy State Univ-Montgom-  
ery .....48,000  
Total .....\$300,000

The appropriation to the Alabama  
Peace Officers' Standards and  
Training Commission shall in-  
clude a transfer to the State Per-  
sonnel Department of \$160.

SOURCE OF FUNDS:

(1) ASETF .....	116,998		
(2) Alabama Peace Officers' Stan- dards and Training Fund-as pro- vided in Title 36, Chapter 21, 1975 Code of Alabama as amended .....		300,000	
Total Alabama Peace Officers' Standards and Training Com- mission .....	116,998	300,000	416,998

Deleting Section 3-A-25 in its entirety and inserting in lieu thereof the  
following new Section 3-A-25:

25. State Board of Education-  
Postsecondary Vocational-Tech-  
nical Education System:

(a) Academic Instruction and In- stitutional Support Program ..	57,919,793
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SOURCE OF FUNDS:

(1) ASETF .....	37,514,670		
(2) Federal and Local Funds ....		3,324,861	
(3) State Funds .....		658,995	
(4) Other Funds .....		11,808,645	
(5) Auxiliary Enterprises .....		4,612,622	
Total Postsecondary Vocational- Technical Education System ..	37,514,670	20,405,123	57,919,793

In addition to the above appropriation, there is hereby appropriated  
\$120,587 to be conditioned on the availability of funds in the Alabama  
Special Educational Trust Fund and upon the approval of the Governor.

(A) For the operations and maintenance of the Vocational-Technical  
Schools listed herein, to be distributed in accordance with a formula adopted  
by the State Board of Education. The formula for a given program may not  
differ between schools. The application of the formula shall be standard for  
all schools. The above appropriation is to be distributed to the following  
Vocational-Technical Schools:

(1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$308,569 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

Deleting Sections 3-A-27, and 3-A-28 in their entirety and inserting in lieu thereof the following new Sections 3-A-27 and 3-A-28.

27. Social Security (ASETF Share):

(a) For State's Share of Social Security, Estimated .....	89,900,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>89,900,000</u>
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Total Social Security (ASETF Share) .....	<u>89,900,000</u>	<u>89,000,000</u>
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28. Teachers Retirement System of Alabama:

(a) Retirement Systems Program .....	173,761,080
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SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated .....	160,885,080
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(2) ASETF-Teachers' Special Pension Fund, Estimated .....	<u>12,876,000</u>
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Total Teachers' Retirement System Program (State's Share) .....	<u>173,761,080</u>	<u>173,761,080</u>
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Deleting Section 3-A-32 in its entirety and inserting in lieu thereof the following new Section 3-A-32:

32. Veterans' Education Benefits:

(a) Administration of Veterans' Affairs Program .....	1,415,500
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SOURCE OF FUNDS:

(1) ASETF-Transfer .....	<u>1,415,500</u>
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Total Veterans' Education Benefits .....	<u>1,415,500</u>		<u>1,415,500</u>
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The above appropriation includes pro rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational Technical School, in which benefits are given to Veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

Deleting Section 3-A-33 in its entirety and inserting in lieu thereof the following new Section 3-A-33:

33. Youth Services, Department of:

(a) Youth Services Program .....		10,739,813
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$18,211.

SOURCE OF FUNDS:

(1) ASETF .....	9,659,265		
(2) Federal and Local Funds ....		<u>1,080,548</u>	
Total Department of Youth Services .....	<u>9,659,265</u>	<u>1,080,548</u>	<u>10,739,813</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session.)

In addition to the above appropriation, \$2,500,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Youth Services to be conditioned on the availability of funds and the approval of the Governor.

Deleting Section 5 in its entirety and insertin in lieu thereof the following new Section 5:

Section 5.

Colleges, Universities and Schools

I. Board of Trustees of University of Alabama:

A. THE UNIVERSITY

1. Operations and Maintenance	37,234,629	25,779,470	63,014,099
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2. Research, Extension and Public Service .....	2,129,000	289,600	2,418,600
3. Emergency Medical Services ..	145,000		145,000
4. Center for Emotionally Disturbed Children .....	548,000		548,000
5. Nursing Scholarships .....	18,000		18,000
6. School of Mines & Energy Dev.	1,583,000		1,583,000
7. Capstone Medical Center .....	862,000		862,000
8. Alabama Museum of Natural History .....	172,000	49,500	221,500
9. College of Community Health Services Medical Education ...	2,503,000	96,000	2,599,000
10. Cooperative University Upper Division Program-Gadsden ....	206,000	81,000	287,000
11. Rural Infant Stimulation Environmental Program .....	144,000		144,000
12. High Risk Nursery .....	117,000		117,000
13. Safe State Program .....	178,000		178,000
14. Legal Education/Research ...	185,000		185,000
15. Auxiliary Enterprises .....		22,811,388	22,811,388
16. Restricted Funds .....		17,505,000	17,505,000
17. Advocacy Program for the Developmentally Disabled .....	25,000		25,000

## SOURCE OF FUNDS:

(1) ASETF .....	46,049,629		
(2) Other Funds .....		66,611,958	
Total University of Alabama ....	46,049,629	66,611,958	112,661,587

In addition to the above appropriation, there is hereby appropriated \$330,321 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Sepcial Educational Trust Fund and upon the approval of the Governor.

B. UNIVERSITY OF ALABAMA  
IN BIRMINGHAM

1. University College .....	15,088,383	17,108,200	32,196,583
2. School of Community and Allied Health .....	2,199,592	886,258	3,085,850
3. Regional Technical Institute ..	1,977,531	260,700	2,238,231
4. Joint Health Sciences .....	3,232,025	728,300	3,960,325
5. Student Nurses Loans .....	11,410		11,410
6. Nursing Scholarships .....	84,048		84,048
7. School of Nursing .....	3,443,601	957,425	4,401,026
8. Center for Labor Education and Research .....	271,861		271,861

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9. Urban Research and Public Service .....	313,240		313,240
10. School of Medicine .....	17,460,597	15,104,220	32,564,817
11. School of Optometry .....	2,412,747	1,554,500	3,967,247
12. School of Dentistry .....	7,719,125	4,338,300	12,057,425
13. System Medical Education Program .....	504,682		504,682
14. School of Public Health .....	1,514,643	260,050	1,774,693
15. Family Practice Residency Programs .....	1,605,163		1,605,163
The above appropriation shall be expended for residency programs as follows:			
Anniston .....	252,722		
East End .....	252,722		
Jefferson County .....	252,722		
Montgomery .....	252,722		
Selma .....	341,553		
Gadsden .....	252,722		
16. Diabetes .....	100,000		100,000
17. University Hospitals .....	5,975,653	136,585,902	142,561,555
18. School of Engineering and Business .....	440,606		440,606
19. Public Health Research Program .....	144,102		144,102
20. Department of Pediatrics .....	618,400		618,400
21. Health-Related Research and Public Service .....	2,915,266		2,915,266
22. Emergency Medical Service and Training .....	165,282		165,282
23. Montgomery Internal Medical Residency .....	235,889		235,889
24. Hypertension Research .....	400,931		400,931
25. Multipurpose Arthritis Center .....	400,931		400,931
26. Medical Genetics Program ..	290,647		290,647
27. Research Development & Relations .....	150,000		150,000
28. Special Mental Health .....		3,454,288	3,454,288
29. Center for Developmental and Learning Disorders .....		583,926	583,926
30. Auxiliary Enterprises .....		7,460,500	7,460,500
31. Restricted Funds .....		51,119,500	51,119,500
32. Community Biomedical Research .....		325,000	325,000

## SOURCE OF FUNDS:

(1) ASETF .....	69,676,355		
(2) Special Mental Health Trust Fund .....		4,038,214	
(3) Other Funds .....		<u>236,688,855</u>	
Total University of Alabama in Birmingham .....	<u>69,676,355</u>	<u>240,727,069</u>	<u>310,403,424</u>

In addition to the above appropriation there is hereby appropriated \$562,154 for University College to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

C. UNIVERSITY OF ALABAMA  
IN HUNTSVILLE

1. Operations and Maintenance .	7,681,423	8,954,735	16,636,158
2. Nursing Scholarships .....	18,000		18,000
3. Center for Management and Economic Research .....	46,800		46,800
4. School of Primary Medical Care	2,812,903	127,200	2,940,103
5. Community Medicine Rural Preceptorship Program .....	32,538		32,538
6. Johnson Environmental and Energy Center .....	361,154		361,154
7. Ambulatory Care Center .....	848,017	637,000	1,485,017
8. School of Nursing .....	937,457	180,057	1,117,514
9. Paramedic Training .....	123,468		123,468
10. Alabama Solar Energy Center	356,667		356,667
11. Auxiliary Enterprises .....		1,997,814	1,997,814
12. Research Institute .....	<u>150,000</u>		<u>150,000</u>

## SOURCE OF FUNDS:

(1) ASETF .....	13,368,427		
(2) Other Funds .....		<u>11,896,806</u>	
Total University of Alabama in Huntsville .....	<u>13,368,427</u>	<u>11,896,806</u>	<u>25,265,233</u>

In addition to the above appropriation, there is hereby appropriated \$34,831 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

II. Board of Trustees of Alabama  
A & M University

A. ALABAMA A & M UNIVER-  
SITY

1. Operations and Maintenance .	9,437,645	10,114,800	19,552,445
2. Vocational Teacher Training .	264,595		264,595
3. Cooperative Extension, Re- search and Service .....	300,000		300,000
4. Auxiliary Enterprises .....		<u>4,038,583</u>	<u>4,038,583</u>

SOURCE OF FUNDS:

(1) ASETF .....	10,002,240		
(2) Other Funds .....		<u>14,153,383</u>	

Total Alabama A & M University	10,002,240	14,153,383	24,155,623
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In addition to the above appropriation, there is hereby appropriated \$239,484 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

III. Board of Trustees of Alabama  
State University

A. ALABAMA STATE UNIVER-  
SITY

1. Operations and Maintenance .	8,524,347	8,960,640	17,484,987
2. Auxiliary Enterprises .....		<u>4,178,037</u>	<u>4,178,037</u>

SOURCE OF FUNDS:

(1) ASETF .....	8,524,347		
(2) Other Funds .....		<u>13,138,677</u>	

Total Alabama State University .	<u>8,524,347</u>	<u>13,138,677</u>	<u>21,663,024</u>
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In addition to the above appropriation, there is hereby appropriated \$22,210 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

IV. State Board of Education

A. ATHENS STATE COLLEGE

1. Operations and Maintenance .	1,980,646	882,569	2,863,215
2. Auxiliary Enterprises .....		<u>231,961</u>	<u>231,961</u>

SOURCE OF FUNDS:

(1) ASETF .....	1,980,646		
(2) Other Funds .....		<u>1,114,530</u>	

Total Athens State College .....	<u>1,980,646</u>	<u>1,114,530</u>	<u>3,095,176</u>
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V. Board of Trustees of Auburn  
University

A. AUBURN UNIVERSITY

1. Operations and Maintenance .	41,806,532	42,458,870	84,265,402
2. Educational Television .....	386,506		386,506
3. Center for Vocational and Adult Education .....	548,910		548,910
4. Clinical Psychology .....	120,760		120,760
5. Engineering Experiment Station .....	919,351		919,351
6. Public Service, Research and Extension .....	396,159		396,159
7. Energy Research .....	282,971		282,971
8. Food Animal Health and Disease Research .....	300,000		300,000
9. Ralph Draughon Library .....	<u>100,000</u>		<u>100,000</u>
10. Auxiliary Enterprises .....		<u>20,689,063</u>	<u>20,689,063</u>
SOURCE OF FUNDS:			
(1) ASETF .....	44,861,189		
(2) Other Funds .....		<u>63,147,933</u>	
Total Auburn University .....	<u>44,861,189</u>	<u>63,147,933</u>	<u>108,009,122</u>

In addition to the above appropriation there is hereby appropriated \$312,001 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

#### B. AGRICULTURAL EXPERIMENT STATION

1. Operations and Maintenance .	<u>8,499,349</u>	<u>11,120,396</u>	<u>19,619,745</u>
SOURCE OF FUNDS:			
(1) ASETF .....	8,499,349		
(2) Other Funds .....		<u>11,120,396</u>	
Total Agricultural Experiment Station .....	<u>8,499,349</u>	<u>11,120,396</u>	<u>19,619,745</u>

In addition to the above appropriation there is hereby appropriated \$151,117 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Education Trust Fund and upon the approval of the Governor.

#### C. COOPERATIVE EXTENSION SERVICE

1. Operations and Maintenance .	9,238,383	9,517,166	18,755,549
2. Retirement .....	<u>1,400,000</u>		<u>1,400,000</u>
SOURCE OF FUNDS:			
(1) ASETF .....	10,638,383		
(2) Other Funds .....		<u>9,517,166</u>	

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Total Cooperative Extension Service .....	10,638,383	9,517,166	20,155,549
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In addition to the above appropriation there is hereby appropriated \$129,477 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Education Trust Fund and upon the approval of the Governor.

**D. AUBURN UNIVERSITY AT MONTGOMERY**

1. Operations and Maintenance .	7,076,168	6,387,993	13,464,161
2. Montgomery Area Community Health Sciences Institute .....	50,949		50,949
3. Public Service, Research and Extension (Center for Government and Public Affairs) .....	167,751	47,436	215,187
4. Auxiliary Enterprises .....		1,619,450	1,619,450
5. Nursing Scholarships .....	18,000		18,000

**SOURCE OF FUNDS:**

(1) ASETF .....	7,312,868		
(2) Other Funds .....		8,054,879	

Total Auburn University at Montgomery .....	7,312,868	8,054,879	15,367,747
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In addition to the above appropriation, there is hereby appropriated \$37,054 for Operation and Maintenance to be conditioned on the availability of funds in the Alabama Special Education Trust Fund and upon the approval of the Governor.

**VI. Board of Trustees of Jacksonville State University**

**A. JACKSONVILLE STATE UNIVERSITY**

1. Operations and Maintenance .	11,692,641	5,376,000	17,068,641
2. Cooperative University Upper Division Program-Gadsden ....	464,000	91,000	555,000
3. Nursing Scholarships .....	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama .....	100,890		100,890
5. Vocational Teacher Training .	100,890		100,890
6. Auxiliary Enterprises .....		2,620,210	2,620,210

**SOURCE OF FUNDS:**

(1) ASETF .....	12,376,421		
(2) Other Funds .....		8,087,210	

Total Jacksonville State University .....	12,376,421	8,087,210	20,463,631
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In addition to the above appropriation, there is hereby appropriated \$32,247 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

VII. Board of Trustees of  
Livingston University

A. LIVINGSTON UNIVERSITY

1. Operations and Maintenance .	4,127,116	1,180,304	5,307,420
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>1,496,700</u>	<u>1,496,700</u>

SOURCE OF FUNDS:

(1) ASETF .....	4,145,116		
(2) Other Funds .....		<u>2,677,004</u>	
Total Livingston University .....	<u>4,145,116</u>	<u>2,677,004</u>	<u>6,822,120</u>

VIII. Board of Trustees of Univer-  
sity of Montevallo

A. UNIVERSITY OF MONTE-  
VALLO

1. Operations and Maintenance .	6,047,658	3,245,101	9,292,759
2. School of Aphasic Children ...	220,295		220,295
3. Highway Safety Program ....	137,579		137,579
4. Communication Center .....	69,597		69,597
5. Auxiliary Enterprises .....		<u>3,251,380</u>	<u>3,251,380</u>

SOURCE OF FUNDS:

(1) ASETF .....	6,475,129		
(2) Other Funds .....		<u>6,496,481</u>	
Total University of Montevallo ..	<u>6,475,129</u>	<u>6,496,481</u>	<u>12,971,610</u>

In addition to the above appropriation, there is hereby appropriated \$66,952 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

IX. Board of Trustees of Univer-  
sity of North Alabama

A. UNIVERSITY OF NORTH  
ALABAMA

1. Operations and Maintenance .	8,200,692	5,366,032	13,566,724
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>2,734,905</u>	<u>2,734,905</u>

SOURCE OF FUNDS:

(1) ASETF .....	8,218,692		
(2) Other Funds .....		<u>8,100,937</u>	



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Total University of North Alabama .....	8,218,692	8,100,937	16,319,629
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In addition to the above appropriation, there is hereby appropriated \$21,414 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

X. Board of Trustees of University of South Alabama

A. UNIVERSITY OF SOUTH ALABAMA

1. Operations and Maintenance .	12,401,321	10,625,096	23,026,417
2. Medical Research and Public Service .....	284,223		284,223
3. Family Practice Residency Program .....	568,293		568,293
4. College of Medicine .....	9,285,484	9,942,287	19,227,771
5. Medical Center Hospital .....	1,144,714	35,745,779	36,890,493
6. Newborn Growth and Development Program .....	80,834		80,834
7. Division of Allied Health .....	770,640	190,433	961,073
8. School of Nursing .....	709,493	261,488	970,981
9. Nursing Scholarships .....	18,000	4,800	22,800
10. Research, Public Service and Extension .....	92,916	65,000	157,916
11. Paramedic Training Program	140,808	44,000	184,808
12. Basic Medical Sciences .....	276,400	49,500	325,900
13. Birth Defect Genetic Center .	199,587		199,587
14. Auxiliary Enterprises .....		6,600,566	6,600,566

SOURCE OF FUNDS:

(1) ASETF .....	25,972,713		
(2) Other Funds .....		63,528,949	
Total University of South Alabama	25,972,713	63,528,949	89,501,662

In addition to the above appropriation, there is hereby appropriated \$1,392,174 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

XI. Board of Trustees of Troy State University

A. TROY STATE UNIVERSITY

1. Operations and Maintenance at Troy .....	7,850,912	5,651,900	13,502,812
2. Operations and Maintenance at Ft. Rucker/Dothan .....	1,071,949	1,200,946	2,272,895

3. Operations and Maintenance in Montgomery .....	274,859	1,522,000	1,796,859
4. Nursing Scholarships .....	36,000		36,000
5. Operations and Maintenance at Bay Minette .....	61,568	274,831	336,399
6. School of Nursing—Montgomery .....	250,000	45,655	295,655
7. Branch Campus at Phenix City .....	93,452	405,000	498,452
8. Auxiliary Enterprises .....		<u>4,594,310</u>	<u>4,594,310</u>

## SOURCE OF FUNDS:

(1) ASETF .....	9,638,740		
(2) Other Funds .....		<u>13,694,642</u>	
Total Troy State University .....	<u>9,638,740</u>	<u>13,694,642</u>	<u>23,333,382</u>

In addition to the above appropriation, there is hereby appropriated \$25,114 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

## XII. Board of Trustees for Alabama Institute for Deaf and Blind

1. Children and Youth Programs .....	5,957,434	1,367,380	7,324,814
2. E. H. Gentry Technical Facility .....	1,865,476	2,169,650	4,035,126
3. Industries for the Blind .....	<u>577,090</u>	<u>10,080,184</u>	<u>10,657,274</u>

## SOURCE OF FUNDS:

(1) ASETF .....	8,400,000		
(2) Other Funds .....		<u>13,617,214</u>	
Total Alabama Institute for Deaf and Blind .....	<u>8,400,000</u>	<u>13,617,214</u>	<u>22,017,214</u>

In addition to the above appropriation, there is hereby appropriated \$387,467 for Children and Youth Programs, \$137,174 for E. H. Gentry Technical Facility and \$34,251 for Industries for the Blind to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

Deleting Section 6 in its entirety and inserting in lieu thereof the following new Section 6:

## Section 6.

A. GOVERNOR'S EDUCATION PROGRAM .....	2,000,000
---------------------------------------	-----------

To the State Department of Education—Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard, Schools Program and Liability Insurance.

SOURCE OF FUNDS:

(1) ASETF .....	<u>2,000,000</u>	
Total Governor's Education Program .....	<u>2,000,000</u>	<u>2,000,000</u>

B. BURNER-OUT SCHOOL PROGRAM

\$2,000,000 is hereby appropriated for Burned-Out-Schools from the Alabama Special Educational Trust Fund to be conditioned on the availability of funds and the approval of the Governor. This conditional appropriation is to be allocated as follows:

- (1) Bessemer City Board of Education—\$400,000
- (2) Bullock County Board of Education—\$200,000
- (3) Cullman County Board of Education—\$400,000
- (4) Macon County Board of Education—\$200,000
- (5) Central Junior High School in Madison County—\$800,000

C. CENTER FOR BASIC SCIENCES REWARD FOR CYSTIC FIBROSIS AT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM:

- (a) Support of the State Universities Program ..... 2,000,000

SOURCE OF FUNDS:

(1) ASETF .....	<u>2,000,000</u>	
Total Center for Basic Sciences Reward for Cystic Fibrosis at the University in Birmingham ....	<u>2,000,000</u>	<u>2,000,000</u>

The above appropriation to the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama In Birmingham is conditioned upon the availability of funds in the Alabama Special Educational Trust Fund, the approval of the Governor and upon the availability of \$2,500,000 in matching funds from the Cystic Fibrosis Foundation. The matching funds are to be paid in increments of \$500,000 annually beginning in fiscal year 1982-83 and continuing through fiscal year 1986-87.

D. SYMPHONY, ALABAMA:

- (a) Support of Other Educational Activities Program ..... 2,000,000

SOURCE OF FUNDS:

(1) ASETF .....	<u>2,000,000</u>	
Total Alabama Symphony .....	<u>2,000,000</u>	<u>2,000,000</u>

The above appropriation to the Alabama Symphony is conditioned upon the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Sincerely,  
FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

Rep. Owens offered the motion that the House concur in and adopt the amendment proposed by His Excellency, the Governor, to the bill, H. 153, said Executive amendment being set out in the above and foregoing Message from the Governor.

#### SUBSTITUTE MOTION OFFERED

Rep. Cates offered the substitute motion that the House non-concur in the amendment proposed by His Excellency, the Governor, to the bill, H. 153.

#### MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the substitute motion offered by Rep. Cates, was lost.

Yeas 38; Nays 64.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Cabaniss, Campbell, Carter, Cates, Clark (G), Dial, Gafford, Gilmer, Gregg, Grouby, Hall, Hammett, Harvey, Higginbotham, Hines, Lewis, McKee, Manley, Minus, Mitchell, Parker, Patton, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (M), Starkey, Venable, Ward and Zoghby.

—38

*Nays:*

Reps. Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Bsukey, Carothers, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Grimsley, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Moore, Naramore, Nevett, Olive, Rains, Ray, Reed, Seibels, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—64

The question was then on the substitute motion offered by Rep. Cates that the House non-concur in the amendment proposed by His Excellency, the Governor, to the bill, H. 153.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the substitute motion No. 2 offered by Rep. Cates to temporarily postpone further consideration of the bill, H. 153 with pending Executive amendment, was tabled.

Yeas 53; Nays 50.

*Yeas:*

Reps. Adams (C), Albright, Amari, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Daniels, Dixon, Edwards, Escott, Ford, Goodwin, Gregg, Hammett, Harper (O), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Minus, Moore, Naramore, Olive, Reed, Riddick, Seibels, Shavers, Smith (C), Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Willis and Wyatt.

—53

*Nays:*

Mr. Speaker, Barton, Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Drinkard, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (T), Harrison, Hines, Kelley, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Nevett, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Venable, Ward, Whatley, Williams and Zoghby.

—50

The question was again on the amendment proposed by His Excellency, the Governor, to the bill, H. 153.

#### MOTION TO NON-CONCUR

Rep. Johnson (Roy) offered the motion that the House non-concur in the Executive amendment to the bill, H. 153.

#### SUBSTITUTE MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Seibels offered the substitute motion to reconsider the vote by which the substitute motion No. 2 offered by Rep. Cates to temporarily postpone consideration of the bill, H. 153 as amended by the Executive amendment, and to remove the substitute motion No. 2 from the table.

#### MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the substitute motion offered by Rep. Seibels, was lost.

Yeas 48; Nays 53.

*Yeas:*

Reps. Adams (C), Albright, Amari, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Cobb, Cooley, Crow, Edwards, Escott, Goodwin, Hammett, Harper (O), Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Moore, Naramore, Nevett, Olive, Reed, Shavers, Smith (C), Starkey, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Willis and Wyatt.

—48

*Nays:*

Mr. Speaker, Adams (H), Barton, Bedsole, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Harper (T), Harrison, Harvey, Hines, Kelley, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Stout, Venable, Ward, Whatley, Williams and Zoghby.

—53

## SUBSTITUTE MOTION TO RECONSIDER ADOPTED

The question was then on the adoption of the substitute motion offered by Rep. Seibels to reconsider the vote by which the bill, H. 153 with Executive amendment, was temporarily postponed, and to remove that motion from the table, and the motion to reconsider was adopted.

Yeas 57; Nays 45.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Harper (T), Harrison, Harvey, Hines, Kelley, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Stout, Venable, Ward, Whatley, Williams and Zoghby.

—57

*Nays:*

Reps. Adams (C), Albright, Amari, Bennett, Blake, Boles, Brakefield, Buskey, Cheatwood, Cobb, Coburn, Crow, Daniels, Escott, Goodwin, Hammett, Harper (O), Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Moore, Naramore, Nevett, Olive, Reed, Shavers, Smith (C), Smith (J), Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Willis and Wyatt.

—45

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 616. Proposing an amendment to the Constitution of Alabama authorizing the legislature, by resolution, to designate a suitable place for the meeting and transacting of business of the legislature in the event it becomes necessary or desirable to repair, renovate, restore, construct or reconstruct the Capitol.

McDOWELL LEE,  
Secretary.

H. 153 RESUMED

The question was then on the substitute motion No. 2 offered by Rep. Cates to temporarily postpone further consideration of the bill, H. 153 with Executive amendment.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION NO. 2 OFFERED

Rep. Sasser offered the following substitute motion to the substitute motion No. 2 offered by Rep. Cates, to return the bill, H. 153 with Executive amendment to the Governor for twenty minutes for reconsideration.

MOTION TO NON-CONCUR TABLED

On motion of Rep. Sasser, the motion offered by Rep. Johnson (Roy) to non-concur in the substitute motion offered by Rep. Sasser, was tabled.

Yeas 54; Nays 47.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Harper (T), Harrison, Harvey, Hines, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Stout, Venable, Ward, Williams, Willis and Zoghby.

—54

*Nays:*

Reps. Adams (C), Adams (H), Albright, Amari, Bennett, Boles, Brakefield, Buskey, Cheatwood, Cobb, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Hammett, Harper (O), Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Moore, Naramore, Nevett, Olive, Reed, Shavers, Smith (C), Smith (J), Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Whatley and Wyatt.

—47

The question was then on the substitute motion offered by Rep. Sasser to return the bill, H. 153 with Executive amendment to the Governor for twenty minutes for reconsideration.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION TABLED

On motion of Rep. Sasser, the substitute motion offered by Rep. Albright that the House stand in informal recess for twenty minutes, was tabled.

Yeas 70; Nays 17.

*Yeas:*

Mr. Speaker, Amari, Barton, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holmes, Johnson (R. G.), Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus,

Mitchell, Moore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

*Nays:*

Reps. Adams (C), Adams (H), Albright, Bedsole, Boles, Brakefield, Cheatwood, Cobb, Holley, Horn, Howard, Jackson, Naramore, Rains, Smith (J), Trammell and Tucker.

—17

### SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Sasser to return the bill, H. 153 with Executive amendment, for twenty minutes for reconsideration, and the substitute motion was adopted.

Yeas 67; Nays 15.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Kelley, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—67

*Nays:*

Reps. Albright, Bedsole, Brakefield, Cheatwood, Holmes, Horn, Howard, Jackson, Letson, Naramore, Nevett, Olive, Trammell, Turnham and Wyatt.

—15

### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Stewart to suspend the rules in order to take up out of order the bill, S. 83, was lost.

Yeas 8; Nays 20.

*Yeas:*

Reps. Bedsole, Buskey, Harper (T), Reed, Stewart, Turnham, Wyatt and Zoghby.

—8

*Nays:*

Mr. Speaker, Amari, Carothers, Cheatwood, Coburn, Cosby, Dial, Edwards, Hammett, Lewis, McKee, Olive, Parker, Pegues, Rains, Sandusky, Shoemaker, Trammell, Turner and Venable.

—20



PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Lewis, the rules were suspended in order to receive the bill, H. 745 with Senate amendment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 745. To amend Section 41-9-96, Code of Alabama 1975, which provides for the permit fees and taxation of boxing and wrestling matches, so as to alter the gross receipts tax on such matches.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Lewis, the House concurred in and adopted the Senate amendment to the bill, H. 745, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 41-9-96, Code of Alabama 1975, which provides for the permit fees and taxation of boxing and wrestling matches, so as to eliminate the gross receipts tax on such matches.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-96, Code of Alabama 1975, is hereby amended to read as follows:

"§ 41-9-96.

"(a) The commissioner of the revenue department, hereinafter called 'commissioner,' shall have full power and authority and it shall be his duty, to collect:

"(1) A fee of \$1.00 for every permit or license to hold a boxing, sparring or wrestling match or exhibition;

"(2) Seventeen and one half percent of the gross receipts from admissions to every boxing, sparring or wrestling match or exhibition plus 10 percent of the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of such matches or exhibitions.

"(3) (2) Ten percent of the gross admission charges to a club, theatre or other place where a televised showing of a boxing, sparring or wrestling match or exhibition which is taking place in another area or place may be

viewed by means of closed circuit television, and, for the purposes of paying and collecting this tax, any person, firm, association or corporation which charges or collects admission fees to view such televised matches or exhibitions shall be subject to the provisions of this section relative to the payment of licenses,

"(4) (2) A reasonable fee, to be fixed by the commissioner, not to exceed \$500.00 for each annual license or permit issued to a promoter;

"(5) (3) One hundred and fifty dollars for each annual license or permit issued to a matchmaker;

"(6) (4) Twenty dollars for each annual license or permit issued to a wrestler, manager or boxer; and

"(7) (5) Five dollars for each annual license or permit issued to a referee, judge, ticket seller, announcer, trainer, second, medical examiner, ticket taker, director or timekeeper.

"(b) Nothing in this section shall be construed as permitting, authorizing or enjoining the commissioner, or his authorized agent, to collect any license, permit fee or tax for any amateur boxing, sparring or wrestling matches or exhibitions held under the auspices of educational institutions when the proceeds of such are to be used to foster, aid or abet programs of education in the state of Alabama, or when the same are held under the auspices, rules and regulations of any national amateur athletic association or union, but no exemption from license, permit fee, tax or charges shall be granted to any person, group of persons or organization for such amateur boxing, sparring or wrestling matches or exhibitions when the proceeds or any part thereof are for personal or private gain.

"(c) The commissioner, or his authorized agent, shall collect from all patriotic organizations chartered by authority of a special act of the congress of the United States or local units thereof, which have been in existence and held meetings at regular intervals for one year immediately preceding the issuance of the permit, to whom a license or permit is issued, 10 percent of the gross receipts of every boxing, sparring or wrestling match conducted or sponsored by such an organization, in lieu of the 17 1/2 percent provided for in subdivision (2) of subsection (a) of this section.

"(c) After first paying all operating expenses incurred in the collection of such fees, licenses and taxes, and all operational expenses of the state athletic commission, the commissioner shall distribute, on or before January 15 of each year, all proceeds and moneys received therefrom as follows:

"(1) One-half to the state general fund; and

"(2) One-half to the American Legion, department of Alabama, for use in their programs in service to the people of the state of Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

McDOWELL LEE,  
Secretary.

Yeas 34; Nays 2.

*Yeas:*

Mr. Speaker, Amari, Bedsole, Bennett, Biddle, Buskey, Cabaniss, Carter, Cheatwood, Cosby, Drinkard, Ford, Gafford, Grimsley, Grouby, Hall,

Harper (T), Hines, Howard, Lewis, McKee, Olive, Parker, Pegues, Rains, Roberts, Sandusky, Smith (J), Starkey, Stewart, Trammell, Ward, Warren and Wyatt.

—34

*Nays:* Reps. Cooley and Whatley.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill.

H. 745. To amend Section 41-9-96, Code of Alabama 1975, which provides for the permit fees and taxation of boxing and wrestling matches, so as to eliminate the gross receipts tax on such matches.

As amended, was again read at length and passed.

Yeas 41; Nays 3.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Buskey, Cabaniss, Carter, Cheatwood, Cosby, Drinkard, Escott, Ford, Gafford, Grouby, Hall, Harper (O), Harper (T), Harrison, Hines, Howard, Kennedy, Lewis, McKee, Manley, Olive, Parker, Pegues, Rains, Reed, Roberts, Sandusky, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren and Wyatt.

—41

*Nays:* Reps. Cooley, Stout and Whatley.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 221. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to employees who are employed full-time by the State of Alabama.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE  
ON SENATE BILL 221

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning Senate Bill 221, have met in conference and have agreed to accept the attached substitute.

T. D. "TED" LITTLE,

MAC PARSONS,

CHARLES BRITNELL,

Conferees on the part of the Senate.

LARRY DIXON,

ALVIS NARAMORE,

EARL MITCHELL,

Conferees on the part of the House.

## CONFERENCE COMMITTEE SUBSTITUTE TO S. B. 221

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to employees who are employed full-time by the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-29-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 36-29-1.

"When used in this chapter, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) EMPLOYEE. A person who works full-time for the State of Alabama or for a county health department and who received his full compensation on a monthly basis through means of a state warrant drawn upon the state treasury or by check drawn by the treasurer of the Alabama State docks' department or by check drawn by the treasurer of the Alabama state agency for surplus property other than those employees covered by the federal Railroad Retirement Act. Such term shall also include those persons who shall retire from the service of the State of Alabama after September 2, 1965, and who, at the time of such retirement, met the criteria set out in this chapter and who, following such retirement, draw a monthly benefit from the employees' retirement system of Alabama; provided that full-time employees of the county health department in all counties having populations of not less than 300,000 nor more than 500,000 shall also be included in the definition of employee for the purpose of this chapter, and the health department of any such county is hereby authorized to pay the employer's share of any contributions to the retirement fund; provided further, that any district attorney or full-time employees in the district attorney's office, of any judicial circuit shall be included in the definition of employee for the purpose of this chapter, and the respective judicial circuits are hereby authorized to pay the

employer's share of any contribution therefore and any person employed part-time by the State of Alabama on a wage and hourly basis, excluding fee compensations and other like arrangements, shall be included in the definition of employee as defined in this Chapter provided such person shall agree to have deducted from his hourly wage, as stipulated, a pro rata portion of the premium cost of a full-time state employee based on the percentage of time such person is employed by the State according to rules and regulations established by the State Employees' Insurance Board.

"(2) BOARD. The state employees' insurance board."

Section 2. This act shall become effective on the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming a law.

And said Bill, S. B. 221, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Dixon, the House concurred in and adopted the Report of the Committee on Conference appointed to reconcile the differences between the two Houses on the House amendment to the bill, S. 221, said Report of the Committee on Conference being set out in the above and foregoing Message from the Senate.

Yeas 26; Nays 1.

*Yeas:*

Mr. Speaker, Barton, Cabaniss, Campbell, Carter, Cheatwood, Cooley, Daniels, Dixon, Edwards, Grouby, Hines, Howard, Kelley, McKee, McMillan, Olive, Pegues, Rains, Seibels, Smith (J), Smith (M), Stewart, Venable, Warren and Wyatt.

—26

*Nay:* Rep. Parker.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 221 as amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 43; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bennett, Boles, Cabaniss, Campbell, Carter, Cheatwood, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Harper (O), Hines, Holmes, Johnson (R. G.), Langford, McKee, McMillan, Olive, Pegues, Rains, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Wyatt and Zoghby.

—43

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MOTION TO SUSPEND RULES

Rep. Cabaniss offered the motion to suspend the rules in order to take up out of order the bill, S. 322, as amended, which previously was lost, lacking a three-fifths vote of all those elected to the House.

## DIVISION OF THE QUESTION

Rep. Payne called for the Division of the Question and the call was sustained.

## MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Cabaniss to suspend the rules and the motion was lost, lacking a four-fifths vote.

Yeas 29; Nays 18.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Carter, Coburn, Dixon, Escott, Ford, Gafford, Grouby, Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Langford, Nevett, Seibels, Shoemaker, Starkey, Tucker, Waggoner, Warren and Wyatt.

—29

*Nays:*

Reps. Albright, Boles, Cheatwood, Cosby, Crow, Gilmer, Hall, Harvey, Lewis, Olive, Payne, Pegues, Rains, Shavers, Stewart, Stout, Ward and Willis.

—18

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 422. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of certain probate judges so as to provide further for the minimum compensation for such officials.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed a Committee on part of the Senate Messrs. Teague (J), Callahan, and Parsons.

McDOWELL LEE,  
Secretary.

On motion of Rep. Ray, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 422.

Yeas 33; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Brakefield, Campbell, Carter, Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Grouby, Harper (O), Hines, Horn, Kennedy, McKee, McMillan, Mitchell, Rains, Riddick, Roberts, Smith (C), Smith (M), Starkey, Ward, Warren and Zoghby.

—33

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House on the bill, S. 422, Reps. Ray, Kelley and Minus.

#### H. 246 TEMPORARILY POSTPONED

On motion of Rep. Adams (H), the bill, H. 246 with Senate amendment, was temporarily postponed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 125. To amend Section 16-28-4 of the Code of Alabama 1975 providing for the minimum age at which a child may enter school so as to provide that a child who moves into this state having completed a mandated public kindergarten program in another state shall be admitted to school regardless of age.

Also:

H. 339. To amend Section 37-1-58, Code of Alabama 1975, which relates to the filing of annual return of business by utilities doing business in the State of Alabama so as to allow utilities the option of filing annual business reports on either a fiscal or calendar year basis.

Also:

H. 253. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for

the fiscal year ending September 30, 1983, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 538. To amend Section 15-18-72, Code of Alabama 1975, as amended, relating to defendants ordered by the court to make restitution, so as to require payments be transmitted within a specified time.

Also:

H. 609. To provide for and prescribe time limits in which proceeds derived from the sale of oil and gas production shall be paid to the person or persons legally entitled thereto and to further prescribe interest penalties for failure to meet the said limits.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

said Conference Report being in words and figures as follows:

#### REPORT OF CONFERENCE COMMITTEE ON SENATE BILL 132

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning Senate Bill 132, have met in conference and have agreed to accept the attached substitute.

SENATOR BILL SMITH,  
SENATOR ALBERT McDONALD,  
SENATOR HINTON MITCHEM,  
Conferees of the Part of the Senate.  
REPRESENTATIVE GERALD DIAL,  
REPRESENTATIVE LEIGH PEGUES,  
REPRESENTATIVE CHARLES WHATLEY,  
Conferees of the part of the House.

April 26, 1982



A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Plumbers Examining Board, and voted to recommend the continuance of the board created and functioning pursuant to Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Plumbers Examining Board, created and functioning pursuant to Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), are hereby continued.

Section 4. The title and Section 1 of Act No. 529, H. 977, 1949 Regular Session, (Acts 1949, p. 827) are hereby amended to read as follows:

"An Act To apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census than 100,000 or more according to the 1940 federal decennial census, and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in the State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon and duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said Board; and to provide penalties for the violation of this act.

"Section 1. DEFINITIONS AND SCOPE. This Act shall apply only in counties of this State having a population of not less than 100,000 or more 140,000 according to the last or any subsequent Federal census according to the 1940 federal decennial census, 'Plumbing,' as used in this Act, is the installation, repair or replacement of pipes, fixtures, or other apparatus

necessary either for supplying water or for removing liquid or waterborne waste. The term is also used to denote installed fixtures, drainage, vents, and water distribution systems. A 'master plumber,' within the meaning and for the purpose of this Act, shall be held to mean and to include any person, firm or corporation engaged in or proposing to engage in the business of contracting to do or superintending the installation of plumbing, either or both, but if such applicant for registration be an individual, he must either qualify himself to be a licensed master plumber or must continually keep in his active employ a duly registered and licensed master plumber, and, if such licensee be a firm or corporation, at least one active member of such firm or corporation, must be a duly registered master plumber, actively, continuously connected with the conduct of said business.

"A 'journeyman plumber' within the meaning of this Act is any person, other than a master plumber, who engages in or works at the actual installation, alteration, repair and renovation of plumbing and who has successfully fulfilled the examination and requirements of the board."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, S. B. 132, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Rep. Pegues offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 132, said Report being set out in the above and foregoing Message from the Senate.

#### SUBSTITUTE MOTION TABLED

On motion of Rep. Pegues, the substitute motion offered by Rep. Boles that the House non-concur in the Report of the Committee on Conference on the bill, S. 132, was tabled.

Yeas 25; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Carter, Clark (G), Cosby, Gafford, Harper (T), Harrison, Hines, Horn, Johnson (R. G.), McMillan, Manley, Moore, Pegues, Penry, Riddick, Roberts, Shoemaker, Starkey, Ward, Willis and Zoghby.

—25

*Nays:* Reps. Rains and Stewart.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

The question was then on the adoption of the motion offered by Rep. Pegues that the House concur in and adopt the Report of the Committee on Conference on the bill, S. 132, set out in the above and foregoing Message from the Senate, and the motion was adopted.

Yeas 28; Nays 9.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Cabaniss, Cooley, Cosby, Drinkard, Escott, Gafford, Grouby, Harper (T), Harrison, Horn, Johnson (R. G.), Manley, Mitchell, Moore, Pegues, Penry, Riddick, Roberts, Shoemaker, Smith (C), Waggoner and Willis.

—28

*Nays:*

Reps. Boles, Cheatwood, Howard, Rains, Seibels, Stewart, Trammell, Tucker and Turner.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 32; Nays 10.

*Yeas:*

Mr. Speaker, Amari, Barton, Bennett, Cabaniss, Carothers, Carter, Cooley, Drinkard, Ford, Gafford, Grimsley, Hammett, Harper (T), Harvey, Hines, Horn, Johnson (R. G.), McMillan, Mitchell, Moore, Pegues, Penry, Reed, Riddick, Roberts, Shoemaker, Starkey, Venable, Williams, Willis and Zoghby.

—32

*Nays:*

Reps. Boles, Cosby, Howard, Rains, Seibels, Shavers, Stewart, Trammell, Tucker and Warren.

—10

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Harrison, Teague (B), and Taylor:

S. J. R. 287. URGING THE COUNTY AND CITY GOVERNING BODIES TO EARMARK AT LEAST 50% OF THE RESULTING INCREASE OF THE PROCEEDS DERIVED FROM H. B. 165 OF THE 1982 REGULAR SESSION TO MONTGOMERY COUNTY BOARD OF EDUCATION.

Also:

By Messrs. Hilliard and Pearson:

S. J. R. 288. COMMENDING REV. GEORGE COOK, JR., OF BIRMINGHAM, ALABAMA ON BEING NAMED MAN OF THE YEAR.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Wyatt, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 287, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Waggoner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 288, the title of which is set out in the above and foregoing Message from the Senate.

## S. 110 TEMPORARILY POSTPONED

On motion of Rep. Waggoner, the bill, S. 110, was temporarily postponed.

And the bill:

S. 275. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Leukemia Society of America, Alabama Chapter, within the definitions of charitable organizations as used in this section.

Was read a third time at length and passed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Amari, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cobb, Cooley, Cosby, Crow, Daniels, Dial,

Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grouby, Harper (O), Harper (T), Harrison, Harvey, Howard, Johnson (R. G.), McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Pegues, Penry, Rains, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Williams and Willis.

—57

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, AL 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill 688 without his signature and approval and with suggested Executive Amendments.

Respectfully submitted,  
WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 26th day of April, 1982.

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 688 without my signature and approval and with the following suggested Executive Amendments:

In Section 1(b) "Qualified Organization"; on page two of the enrolled bill on line 5, after the word "fraternal" add the word "or".

On page two of the enrolled bill on line 6, after the word "veterans" delete the comma and the language "or private".

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,  
FOB JAMES,  
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Langford, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 688, said Executive amendment being set out in the above and foregoing Message from the Governor.

Yeas 33; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Boles, Carter, Cobb, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Hall, Hammett, Harper (T),

Harvey, Holmes, Johnson (R. G.), Langford, McKee, Moore, Rains, Roberts, Seibels, Shoemaker, Starkey, Trammell, Turner, Williams and Willis.

—33

*Nay:* Rep. Grouby.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 688. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 41; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Boles, Brakefield, Carter, Cheatwood, Cooley, Cosby, Crow, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Hall, Hammett, Harper (T), Harvey, Holmes, Langford, McMillan, Moore, Olive, Pegues, Penry, Rains, Roberts, Seibels, Starkey, Stout, Trammell, Turner, Venable, Williams, Willis, Wyatt and Zoghby.

—41

*Nays:* Reps. Grouby, McKee and Warren.

—3

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 246. To amend Section 35-11-210 of the Code of Alabama 1975, which provides for certain liens for work performed so as to provide further for such liens.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Biddle, the House non-concurred in the Senate amendment to the bill, H. 246, and requested a Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment to the bill, H. 246, said Senate amendment being as follows:

To amend House Bill 246 as follows:

By the deletion of lines 35, 36, and 37 on page 2, and lines 5, 6, 7, and 8 on page 3 and by the substitution of the following therefor:

"The provisions of this division eight (8) shall be construed to include the services with respect to the land, buildings, or improvements of the owner or proprietor or any proposed building thereon, or improvement thereof, of any registered professional engineer, or registered professional land surveyor; and attorney fees.

Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Cooley, Cosby, Dixon, Drinkard, Edwards, Ford, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Howard, Johnson (R. G.), McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Parker, Pegues, Penry, Rains, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Trammell, Turner, Venable, Warren, Williams and Zoghby.

—48

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House on the bill, H. 246, Reps. Adams (H), Kelley and Biddle.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 616. Proposing an amendment to the Constitution of Alabama authorizing the legislature, by the resolution, to designate a suitable place for

the meeting and transacting of business of the legislature in the event it becomes necessary or desirable to repair, renovate, restore, construct or reconstruct the Capitol.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### SPECIAL ORDER RESUMED

And the bill:

S. 405. Exempting from the state competitive bid laws purchases and contracts for services made by any state department or agency whose principal business is honorariums and whose annual appropriation from the legislature is less than seventy-five thousand dollars (\$75,000).

Was read a third time at length and passed.

Yeas 45; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Brakefield, Campbell, Carothers, Carter, Cheatwood, Coburn, Cooley, Cosby, Dixon, Edwards, Ford, Gafford, Grouby, Harper (T), Howard, Johnson (R. G.), Kennedy, McKee, Minus, Moore, Naramore, Pegues, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Williams and Zoghby.

—45

*Nays:* Reps. Olive and Rains.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### S. 109 AGAIN TAKEN UP

And the bill, S. 109 as amended and previously temporarily postponed, was again taken up.

#### AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment No. 1 to the bill, S. 109 as amended:

In Section 6, page 5, line 20, between the words "necessary" and "for" insert the following additional language:



, as determined by the county governing body.

AMENDMENT TABLED

On motion of Rep. Waggoner, the amendment offered by Rep. Smith (M), to the bill, S. 109 as amended, was tabled.

Yeas 32; Nays 18.

*Yeas:*

Mr. Speaker, Amari, Barton, Bennett, Brakefield, Cabaniss, Clark (G), Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grouby, Hammett, Harvey, Johnson (R. G.), Minus, Moore, Naramore, Olive, Roberts, Seibels, Shoemaker, Starkey, Trammell, Waggoner, Willis and Zoghby.

—32

*Nays:*

Reps. Albright, Cheatwood, Cosby, Gilmer, Harrison, Hines, Holmes, McMillan, Pegues, Penry, Shavers, Smith (C), Smith (M), Stewart, Stout, Venable, Warren and Wyatt.

—18

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment No. 2 to the bill, S. 109 as amended:

In Section 2, page 2, line 37, delete the figure "\$20,000.00" and insert in lieu thereof:

\$10,000

Also, in Section 2, page 3, delete lines 6 through 8 and insert in lieu thereof:

25,001 to 75,000 .....12,500

75,001 to 197,000 .....13,500

More than 197,000 .....15,000

AMENDMENT TABLED

On motion of Rep. Waggoner, the amendment No. 2 offered by Rep. Smith (M) to the bill, S. 109 as amended, was tabled.

Yeas 35; Nays 12.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bennett, Brakefield, Cabaniss, Campbell, Cobb, Coburn, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford,

Grouby, Hammett, Harper (T), Harvey, Johnson (R. G.), Minus, Moore, Naramore, Olive, Penry, Roberts, Seibels, Shoemaker, Starkey, Trammell, Waggoner, Willis, Wyatt and Zoghby.

—35

*Nays:*

Reps. Cheatwood, Cosby, Harrison, Howard, Laird, Rains, Riddick, Shavers, Smith (C), Stewart, Stout and Warren.

—12

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment No. 3 to the bill, S. 109 as amended:

In Section 2, page 3, delete lines 18 through 33 and insert in lieu thereof the following language:

Census, and shall be paid from the  
State General Fund.

#### AMENDMENT TABLED

On motion of Rep. Waggoner, the amendment No. 3 offered by Rep. Smith (M) to the bill, S. 109 as amended, was tabled.

Yeas 37; Nays 18.

*Yeas:*

Reps. Adams (H), Barton, Bennett, Brakefield, Cabaniss, Campbell, Carter, Coburn, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Grouby, Hammett, Harper (O), Harvey, Horn, Johnson (R. G.), Kennedy, Langford, Moore, Olive, Parker, Pegues, Riddick, Roberts, Seibels, Trammell, Waggoner, Whatley, Willis, Wyatt and Zoghby.

—37

*Nays:*

Mr. Speaker, Cheatwood, Cosby, Gilmer, Harper (T), Harrison, Holmes, Howard, McMillan, Payne, Penry, Rains, Shavers, Smith (C), Stewart, Stout, Venable and Warren.

—18

And the bill, S. 109 as amended, was read a third time at length and passed.

Yeas 45; Nays 17.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Cabaniss, Campbell, Clark (G), Coburn, Cooley, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Grouby,

Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, McMillan, Moore, Naramore, Patton, Pegues, Rains, Ray, Reed, Roberts, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Willis and Zoghby.

—45

*Nays:*

Reps. Carter, Cheatwood, Cosby, Daniels, Dixon, Harrison, Holley, Howard, Johnson (R. G.), McKee, Olive, Parker, Penry, Riddick, Smith (C), Smith (J) and Smith (M).

—17

### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 203. MOURNING THE DEATH OF MR. MONROE LEE ADAMS OF TUSCALOOSA COUNTY, ALABAMA.

Also:

S. J. R. 278. COMMENDING MR. J. T. COLLINS OF ATHENS, LIMESTONE COUNTY, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. 39. To provide for additional judgeships for certain judicial circuits of Alabama; to provide for the appointment of the first judge to fill said judgeships; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judges; to increase the number of circuit judges in certain judicial circuits by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of certain judicial circuits shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division in certain judicial circuits.

Also:

S. 86. To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

Also:

S. 112. Relating to the Alabama Sunset Law; to terminate the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-17 of the Code of Alabama 1975; and to create a new Board of Heating and Air Conditioning Contractors to replace the terminated board, and to repeal Sections 34-31-1 through 34-31-17, Code of Alabama 1975.

Also:

S. 246. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, time and hour restrictions for

children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers in a motion picture approved and coordinated by the Alabama Film Commission in conjunction with and under the jurisdiction and supervision of the Department of Industrial Relations and to set forth protective employment conditions for such children under the age of 16.

Also:

S. 276. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company."

Also:

S. 341. Regulating further license plates to be used for motor vehicles; providing for distinctive license plates for vehicles owned by certain fire fighters.

Also:

S. 379. To amend §8-8-7 of the Code of Alabama 1975 in order to exempt from all laws governing usury any bonds, notes, warrants, other evidences of indebtedness or securities issued by the State of Alabama or any department, agency or instrumentality thereof or by any not-for-profit public or private corporation and by any board of water and sewer commissioners created under the provision of Article 10, chapter 50, Title 11, Code of Alabama 1975 and authorized to issue bonds under Section 11-50-345, Code of Alabama 1975 at any time created for the purpose of acting as an instrumentality of the State of Alabama or otherwise acting in the public interest.

Also:

S. 387. To provide for a minimum salary for county commissioners and chairmen of county commissions.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### SPECIAL ORDER RESUMED

And the bill:

S. 102. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

Was read a third time at length and passed.

Yeas 47; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Brakefield, Cabaniss, Campbell, Carothers, Carter, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, McKee, Minus, Moore, Naramore, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Smith (C), Smith (J), Stewart, Turner, Venable, Williams, Willis and Zoghby.

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*Nay:* Rep. Olive.

—1

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### S. 158 TEMPORARILY POSTPONED

On motion of Rep. Smith (J), the bill, S. 158, was temporarily postponed.

And the bill:

S. 225. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

Was read a third time at length and passed.

Yeas 31; Nays 3.

*Yeas:*

Reps. Bedsole, Campbell, Carter, Cates, Cosby, Crow, Dixon, Grouby, Hammett, Harper (O), Hines, Holmes, Howard, Johnson (R. G.), Langford, McKee, McMillan, Minus, Mitchell, Naramore, Pegues, Rains, Reed, Sasser, Smith (J), Starkey, Stewart, Turnham, Venable, Warren and Willis.

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*Nays:* Reps. Barton, Ford and Patton.

—3

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Substitute Message from the Governor returning House Bill No. 153 as substituted and amended without the Governor's signature and approval.

Respectfully submitted,  
WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 26th day of April, 1982.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 153 as substituted and amended, without my signature and approval and with the following suggested Executive Amendment:

Deleting Section 3-A-2 in its entirety and inserting in lieu thereof the following new Section 3-A-2:

2. Arts and Humanities, Council  
on the:

(a) Fine Arts Program .....	888,060
(b) Jefferson County Committee for Economic Opportunity, Inc.	25,000
(c) Alabama Outdoor Drama ....	10,000
(d) Brown Arts Council .....	7,500
(e) Heritage Band .....	10,000

The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel Department of \$532.

## SOURCE OF FUNDS:

(1) ASETF-Transfer .....	600,000		
(2) Federal and Local Funds ....		340,560	
Total Council on the Arts and Humanities .....	600,000	340,560	940,560

In addition to the above appropriation, \$252,500 is hereby appropriated from the Alabama Special Educational Trust Fund to the Council on the Arts and Humanities to be conditioned on the availability of funds and the approval of the Governor.

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Deleting Section 3-A-5 in its entirety and inserting in lieu thereof the following new Section 3-A-5:

5. Education, Department of:

(a) Instructional Technical Assistance Program .....	7,074,285
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The proposed spending plan for the above is as follows:

Career Education .....98,000

Vocational Education ... .651,000

Special Education Admin. 450,000

SOURCE OF FUNDS:

(1) ASETF .....	1,722,441
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(2) Federal and Local Funds ....	<u>5,351,844</u>
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Total Instructional Technical Assistance Program .....	<u>1,722,441</u>	<u>5,351,844</u>	<u>7,074,285</u>
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(b) Local Agency Support Program .....	10,336,514
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The proposed spending plan for the above is as follows:

Driver Education, School Bus Driver Training and Vehicle Safety Inspection .....205,000

Free Textbooks .....7,887,700

In addition to the above appropriation, \$2,450,000 is hereby appropriated from the Alabama Special Educational Trust Fund for Free Textbooks to be conditioned on the availability of funds and the approval of the Governor.

Testing .....500,000

In addition to the above appropriation, \$250,000 is hereby appropriated from the Alabama Special Educational Trust Fund for Testing to be conditioned on the availability of funds and the approval of the Governor.

Plans and Survey .....71,000

SOURCE OF FUNDS:

(1) ASETF .....	8,663,700
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(2) Federal and Local Funds ....	<u>1,672,814</u>
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Total Local Agency Support Program .....	<u>8,663,700</u>	<u>1,672,814</u>	<u>10,336,514</u>
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(c) Regulation Program .....	1,196,000
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Teacher Certification and Accreditation ..... 257,105

## SOURCE OF FUNDS:

(1) ASETF .....	257,105		
(2) Federal and Local Funds ....		<u>938,895</u>	
Total Regulation Program .....	<u>257,105</u>	<u>938,895</u>	<u>1,196,000</u>
(d) Administrative Services Program .....			11,129,032

The proposed spending plan for the above is as follows:

Compact of Education ... 32,000  
Operations & Maintenance of Department ..... 1,844,822

In addition to the above appropriation, \$250,000 is hereby appropriated from the Alabama Special Educational Trust Fund for Testing to be conditioned on the availability of funds and the approval of the Governor.

Telephone Network Fund ..... 1,300,000

## SOURCE OF FUNDS:

(1) ASETF .....	3,176,822		
(2) Federal and Local Funds ....		<u>7,952,210</u>	
Total Administrative Services Program .....	<u>3,176,822</u>	<u>7,952,210</u>	<u>11,129,032</u>

The above appropriation shall include a transfer to the State Personnel Department of \$72,952.

(e) Adult Education Program ...			3,925,496
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The proposed spending plan for the above is as follows:

Adult Basic Education .1,400,000  
Community Education ... 160,000

## SOURCE OF FUNDS:

(1) ASETF .....	1,560,000		
(2) Federal and Local Funds ....		<u>2,365,496</u>	
Total Adult Education Program .	<u>1,560,000</u>	<u>2,365,496</u>	<u>3,925,496</u>
(f) Support of State Universities Program .....			256,833

## SOURCE OF FUNDS:



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(1) Federal and Local Funds . . . .	<u>256,833</u>	
Total Support of State Universities Program . . . . .	<u>256,833</u>	<u>256,833</u>
(g) Projects-Vocation Rehabilitation/Crippled Children Services Program . . . . .		601,145
SOURCE OF FUNDS:		
(1) Federal and Local Funds . . . .	<u>601,145</u>	
Total Projects-Voc. Rehab/Crippled Children Services Program . . . .	<u>601,145</u>	<u>601,145</u>
(h) Disability Determination for Social Security Program . . . . .		16,704,067
SOURCE OF FUNDS:		
(1) Federal and Local Funds . . . .	<u>16,704,067</u>	
Total Disability Determination for Social Security Program . . . . .	<u>16,704,067</u>	<u>16,704,067</u>
(i) Financial Assistance Program		193,198,170
SOURCE OF FUNDS:		
(1) Federal and Local Funds . . . .	<u>193,198,170</u>	
Total Financial Assistance Program . . . . .	<u>193,198,170</u>	<u>193,198,170</u>
(j) Support of Other Educational Activities . . . . .		9,300
The proposed spending plan for the above is as follows:		
Education of Dependents of Blind Parents . . . . .	9,300	
SOURCE OF FUNDS:		
(1) ASETF . . . . .	<u>9,300</u>	
Total Support of Other Educational Activities . . . . .	<u>9,300</u>	<u>9,300</u>
For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.		
(k) Emergency Medical Services Education Program . . . . .		1,500,000
To be distributed by the Department of Education as follows:		

- (1) West Alabama Emergency Medical Services, Inc. ....250,000
- (2) Birmingham Regional Emergency Medical System .....250,000
- (3) North Alabama Emergency Medical Services, Inc. ...250,000
- (4) Southeast Alabama Emergency Medical Services System, Inc. ....250,000
- (5) East Alabama Emergency Medical Services, Inc. ....250,000
- (6) Southwest Alabama Emergency Medical Services Council, Inc. ....250,000

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

#### SOURCE OF FUNDS:

(1) ASETF .....	<u>1,500,000</u>	
Total Emergency Medical Services Education Program .....	<u>1,500,000</u>	<u>1,500,000</u>
(1) Direct Client Services for the Handicapped .....		36,494,545
To be distributed by the Department of Education as follows:		
Crippled Children Services Program .....	4,431,867	
In addition to the above appropriation, \$400,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Crippled Children Services Program to be conditioned on the availability of funds and the approval of the Governor.		
Hemophilia Program ....	279,000	
Homebound Program ..	2,000,000	
Rehabilitation Services Program .....	6,166,675	
Handicapped Recreation Program .....	186,000	
(To provide recreation and services at a year-round accredited handicapped recreation facility).		

SOURCE OF FUNDS:

(1) ASETF .....	13,063,542		
(2) Federal and Local Funds ....		<u>23,431,003</u>	
Total Direct Client Services for the Handicapped .....	<u>13,063,542</u>	<u>23,431,003</u>	<u>36,494,545</u>

In addition to the above appropriation, the following conditional appropriation is hereby made:

Cystic Fibrosis Treatment Program (All age groups included). .... 270,000

Said appropriation is to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

Total Department of Education:

SOURCE OF FUNDS:

(1) ASETF .....	29,952,910		
(2) Federal and Local Funds ....		<u>252,472,477</u>	
Grand Total Department of Education .....	<u>29,952,910</u>	<u>252,472,477</u>	<u>282,425,387</u>

Deleting Section 3-A-6 in its entirety and inserting in lieu the following new Section 3-A-6:

6. Employees' Insurance, State .. 816,000

SOURCE OF FUNDS:

(1) ASETF .....	<u>816,000</u>		
Total State Employees' Insurance .....	<u>816,000</u>		<u>816,000</u>

Deleting Section 3-A-20 and Section 3-A-21 in their entirety and inserting in lieu thereof the following new Section 3-A-20 and Section 3-A-21:

20. Minimum Program and Public School Fund:

(a) Financial Assistance Program 524,877,487

SOURCE OF FUNDS:

(1) ASETF .....	486,701,002		
(2) Public School Fund .....		33,500,000	
(3) Local Funds .....		<u>4,676,485</u>	
Total Minimum Program and Public School Fund .....	<u>486,701,002</u>	<u>38,176,485</u>	<u>524,877,487</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, 1975 Code of Alabama, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1982-83 is based on 23,432 teacher units.

It is provided in the event there are more than 23,432 earned teacher units for the fiscal year 1982-83, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$397,913,472. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	2,577.69	\$ 48,697,719
I	17,689	12,254.60	216,771,619
II	15,401	8,599.71	132,444,134
III	12,967	0	0
IV	11,261	0	0
		<u>23,432.00</u>	<u>\$397,913,472</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$72,812,597.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,520,034.

For "Principal Supplement" an amount not to exceed the total of \$2,343,200.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$50,138,184.

#### 21. Board of Education:

(a) Financial Assistance Program 266,874,740

#### SOURCE OF FUNDS:

(1) ASETF ..... 266,874,740

Total Board of Education ..... 266,874,740 266,874,740

To be distributed by the State  
Board of Education for:

(a) Hospital Medical Insurance  
Assistance for Professional Staff,  
Support Staff, and Adult School  
Bus Drivers ..... 18,481,857

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of three hundred nine dollars (\$309.00) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$309.00 shall be appropriated per person.

(b) Teachers' Sick  
Leave ..... 3,500,000

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick  
Leave ..... 1,431,781

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers' Personal  
Leave ..... 925,598

The appropriation hereinabove made to Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(e) Funds to Replace  
fees ..... 9,405,250

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(f) Maintenance ..... 5,630,287

(g) Continuation of funds previously granted for Special Education ..... 25,048,991

\$1,200,000 shall be allocated for handicapped students in vocational education.

Of the \$25,048,991 for Special Education, \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$250,000 for the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$18,000 to Auburn University Preschool for Multi-handicapped children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; \$250,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P. L. 94-142. In addition to the above appropriation, there is hereby appropriated \$2,895,000 to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

(h) Kindergarten teacher  
units ..... 20,968,703

The above appropriation is for 1,080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$17,542,651. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	31.21	\$ 589,619
I	17,689	349.92	6,189,735
II	15,401	698.87	10,763,297
		<u>1,080.00</u>	<u>\$17,542,651</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$3,355,992.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

(i) Supportive teacher  
units ..... 33,797,613

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (j). The above appropriation is for 1,677 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$28,477,716. The State Board of Education shall have the discretion to redistribute the number of teacher

units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	184.45	\$ 3,484,629
I	17,689	876.89	15,511,307
II	15,401	615.66	9,481,780
		<u>1,677.00</u>	<u>\$28,477,716</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$5,211,110.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$108,787.

(j) Continuation of Teacher Units  
to reduce pupil-teacher ratio in  
grades 1-6 .....13,094,375

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$11,032,399. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	71.11	\$ 1,343,410
II	17,689	338.07	5,980,120
II	15,401	240.82	3,708,869
		<u>650.00</u>	<u>\$11,032,399</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$2,019,810.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

(k) Special Education .66,137,296

The above appropriation is for 3,250 teacher units and includes salaries, other current expenses, capital improvements, and transportation at the following rates:

For "Salaries" the sum shall not exceed \$55,027,418. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$18,892	249.92	\$ 4,721,489
I	17,689	1,792.70	31,711,070
II	15,401	1,207.38	18,594,859
		<u>3,250.00</u>	<u>\$55,027,418</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$10,099,050.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

(l) Vocational teacher  
units ..... 60,949,040

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

(m) Driver Education .. 6,597,642

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$5,569,826. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary allotment	Number of Teacher Units	Total
AA	18,892	29.81	\$ 563,171
I	17,689	207.97	3,678,781
II	15,401	86.22	1,327,874
		<u>324.00</u>	<u>\$5,569,826</u>

For "Other Current Expenses" an amount not to exceed \$3,107.40 for each earned teacher unit but the total shall not exceed the sum of \$1,006,798.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018.

(n) Lunchroom Workers .906,307

Deleting Section 3-A-23 in its entirety and inserting in lieu thereof the following new Section 3-A-23:

23. Peace Officers' Standards and  
Training Commission, Alabama:

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 116,998

(b) Certified Law Enforcement  
Academy Program ..... 300,000

The appropriation made above for  
the Certified Law Enforcement  
Academy Program shall be ex-  
pended as follows:

Jacksonville State Univer-  
sity .....84,000

University of Alabama ...84,000

James H. Faulkner Jr.  
Coll. ....84,000



Troy State Univ-Montgomery .....48,000

Total .....\$300,000

The appropriation to the Alabama Peace Officers' Standards and Training Commission shall include a transfer to the State Personnel Department of \$160.

SOURCE OF FUNDS:

(1) ASETF .....116,998

(2) Alabama Peace Officers' Standards and Training Fund-as provided in Title 36, Chapter 21, 1975 Code of Alabama as amended .....

300,000

Total Alabama Peace Officers' Standards and Training Commission .....

116,998

300,000

416,998

Deleting Sections 3-A-27, and 3-A-28 in their entirety and inserting in lieu thereof the following new Sections 3-A-27 and 3-A-28.

27. Social Security (ASETF Share):

(a) For State's Share of Social Security, Estimated .....

89,900,000

SOURCE OF FUNDS:

(1) ASETF .....

89,900,000

Total Social Security (ASETF Share) .....

89,900,000

89,900,000

28. Teachers' Retirement System of Alabama:

(a) Retirement Systems Program

173,761,080

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated .....

160,885,080

(2) ASTF-Teachers' Special Pension Fund, Estimated .....

12,876,000

Total Teachers' Retirement System Program (State's Share) .....

173,761,080

173,761,080

Deleting Section 3-A-32 in its entirety and inserting in lieu thereof the following new Section 3-A-32:

32. Veterans' Education Benefits:

(a) Administration of Veterans' Affairs Program .....

1,415,500

## SOURCE OF FUNDS:

(1) ASETF-Transfer .....	1,415,500		
Total Veterans' Education Benefits .....	1,415,500		1,415,500

The above appropriation includes pro rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational Technical School, in which benefits are given to Veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

Deleting Section 3-A-33 in its entirety and inserting in lieu thereof the following new Section 3-A-33:

33. Youth Services, Department  
of:

(a) Youth Services Program .....	10,739,813
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$18,211.

## SOURCE OF FUNDS:

(1) ASETF .....	9,659,265		
(2) Federal and Local Funds .....		1,080,548	
Total Department of Youth Services .....	9,659,265	1,080,548	10,739,813

(To be expended in accordance with Act No. 816, 1973 Regular Session.)

In addition to the above appropriation, \$2,500,000 is hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Youth Services to be conditioned on the availability of funds and the approval of the Governor.

Deleting Section 5 in its entirety and inserting in lieu thereof the following new Section 5:

Section 5. Colleges, Universities  
and Schools

I. Board of Trustees of University  
of Alabama:

A. THE UNIVERSITY

1. Operations and Maintenance .	37,234,629	25,779,470	63,014,099
2. Research, Extension and Public Service .....	2,129,000	289,600	2,418,600
3. Emergency Medical Services .	145,000		145,000
4. Center for Emotionally Disturbed Children .....	548,000		548,000
5. Nursing Scholarships .....	18,000		18,000

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6. School of Mines & Energy Dev.	1,583,000		1,583,000
7. Capstone Medical Center . . . . .	862,000		862,000
8. Alabama Museum of Natural History . . . . .	172,000	49,500	221,500
9. College of Community Health Services Medical Education . . .	2,503,000	96,000	2,599,000
10. Cooperative University Upper Division Program-Gadsden . . . .	206,000	81,000	287,000
11. Rural Infant Stimulation Environmental Program . . . . .	144,000		144,000
12. High Risk Nursery . . . . .	117,000		117,000
13. Safe State Program . . . . .	178,000		178,000
14. Legal Education/Research . . .	185,000		185,000
15. Auxiliary Enterprises . . . . .		22,811,388	22,811,388
16. Restricted Funds . . . . .		17,505,000	17,505,000
17. Advocacy Program for the Developmentally Disabled . . . . .	25,000		25,000

**SOURCE OF FUNDS:**

(1) ASETF . . . . .	46,049,629		
(2) Other Funds . . . . .		66,611,958	
Total University of Alabama . . . .	46,049,629	66,611,958	112,661,587

In addition to the above appropriation, there is hereby appropriated \$330,321 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

**b. UNIVERSITY OF ALABAMA  
IN BIRMINGHAM**

1. University College . . . . .	15,088,383	17,108,200	32,196,583
2. School of Community and Allied Health . . . . .	2,199,592	886,258	3,085,850
3. Regional Technical Institute . .	1,977,531	260,700	2,238,231
4. Joint Health Sciences . . . . .	3,232,025	728,300	3,960,325
5. Student Nurses Loans . . . . .	11,410		11,410
6. Nursing Scholarships . . . . .	84,048		84,048
7. School of Nursing . . . . .	3,443,601	957,425	4,401,026
8. Center for Labor Education and Research . . . . .	271,861		271,861
9. Urban Research and Public Service . . . . .	313,240		313,240
10. School of Medicine . . . . .	17,460,597	15,104,220	32,564,817
11. School of Optometry . . . . .	2,412,747	1,554,500	3,967,247
12. School of Dentistry . . . . .	7,719,125	4,338,300	12,057,425

13. System Medical Education Program .....	504,682		504,682
14. School of Public Health .....	1,514,643	260,050	1,774,693
15. Family Practice Residency Program .....	1,605,163		1,605,163
The above appropriation shall be expended for residency programs as follows:			
Anniston .....	252,722		
East End .....	252,722		
Jefferson County .....	252,722		
Montgomery .....	252,722		
Selma .....	341,553		
Gadsden .....	252,722		
16. Diabetes .....	100,000		100,000
17. University Hospitals .....	5,975,653	136,585,902	142,561,555
18. School of Engineering and Business .....	440,606		440,606
19. Public Health Research Program .....	144,102		144,102
20. Department of Pediatrics .....	618,400		618,400
21. Health-Related Research and Public Service .....	2,915,266		2,915,266
22. Emergency Medical Service and Training .....	165,282		165,282
23. Montgomery Internal Medical Residency .....	235,889		235,889
24. Hypertension Research .....	400,931		400,931
25. Multipurpose Arthritis Center .....	400,931		400,931
26. Medical Genetics Program ..	290,647		290,647
27. Research Development & Relations .....	150,000		150,000
28. Special Mental Health .....		3,454,288	3,454,288
29. Center for Developmental and Learning Disorders .....		583,926	582,926
30. Auxiliary Enterprises .....		7,460,500	7,460,500
31. Restricted Funds .....		51,119,500	51,119,500
32. Community Biomedical Research .....		325,000	325,000

## SOURCE OF FUNDS:

(1) ASETF .....	69,676,355		
(2) Special Mental Health Trust Fund .....		4,038,214	
(3) Other Funds .....		236,688,855	

Total University of Alabama in Birmingham .....	69,676,355	240,727,069	310,403,424
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In addition to the above appropriation there is hereby appropriated \$562,154 for University College to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

C. UNIVERSITY OF ALABAMA  
IN HUNTSVILLE

1. Operations and Maintenance .	7,681,423	8,954,735	16,636,158
2. Nursing Scholarships .....	18,000		18,000
3. Center for Management and Economic Research .....	46,800		46,800
4. School of Primary Medical Care	2,812,903	127,200	2,940,103
5. Community Medicine Rural Preceptorship Program .....	32,538		32,538
6. Johnson Environmental and Energy Center .....	361,154		361,154
7. Ambulatory Care Center .....	848,017	637,000	1,485,017
8. School of Nursing .....	937,457	180,057	1,117,514
9. Paramedic Training .....	123,468		123,468
10. Alabama Solar Energy Center	356,667		356,667
11. Auxiliary Enterprises .....		1,997,814	1,997,814
12. Research Institute .....	150,000		150,000

SOURCE OF FUNDS:

(1) ASETF .....	13,368,427	
(2) Other Funds .....		11,896,806

Total University of Alabama in Huntsville .....	13,368,427	11,896,806	25,265,233
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In addition to the above appropriation, there is hereby appropriated \$34,831 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

II. Board of Trustees of Alabama  
A & M University

A. ALABAMA A & M UNIVER-  
SITY

1. Operations and Maintenance .	9,437,645	10,114,800	19,552,445
2. Vocational Teacher Training .	264,595		264,595
3. Cooperative Extension, Re- search and Service .....	300,000		300,000
4. Auxiliary Enterprises .....		4,038,583	4,038,583

SOURCE OF FUNDS:

(1) ASETF .....	10,002,240
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(2) Other Funds .....		<u>14,153,383</u>	
Total Alabama A & M University	<u>10,002,240</u>	<u>14,153,383</u>	<u>24,155,623</u>

In addition to the above appropriation, there is hereby appropriated \$239,484 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

### III. Board of Trustees of Alabama State University

#### A. ALABAMA STATE UNIVERSITY

1. Operations and Maintenance .	8,524,347	8,960,640	17,484,987
2. Auxiliary Enterprises .....		<u>4,178,037</u>	<u>4,178,037</u>

#### SOURCE OF FUNDS:

(1) ASETF .....	8,524,347		
(2) Other Funds .....		<u>13,138,677</u>	
Total Alabama State University .	<u>8,524,347</u>	<u>13,138,677</u>	<u>21,663,024</u>

In addition to the above appropriation, there is hereby appropriated \$22,210 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Education Trust Fund and upon the approval of the Governor.

### IV. State Board of Education

#### A. ATHENS STATE COLLEGE

1. Operations and Maintenance .	1,980,646	882,569	2,863,215
2. Auxiliary Enterprises .....		<u>231,961</u>	<u>231,961</u>

#### SOURCE OF FUNDS:

(1) ASETF .....	1,980,646		
(2) Other Funds .....		<u>1,114,530</u>	
Total Athens State College .....	<u>1,980,646</u>	<u>1,114,530</u>	<u>3,095,176</u>

### V. Board of Trustees of Auburn University

#### A. AUBURN UNIVERSITY

1. Operations and Maintenance .	41,806,532	42,458,870	84,265,402
2. Educational Television .....	386,506		386,506
3. Center for Vocational and Adult Education .....	548,910		548,910
4. Clinical Psychology .....	120,760		120,760
5. Engineering Experiment Station .....	919,351		919,351
6. Public Service, Research and Extension .....	396,159		396,159
7. Energy Research .....	282,971		282,971
8. Food Animal Health and Disease Research .....	300,000		300,000

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9. Ralph Draughon Library .....	100,000		100,000
10. Auxiliary Enterprises .....		<u>20,689,063</u>	<u>20,689,063</u>

SOURCE OF FUNDS:

(1) ASETF .....	44,861,189		
(2) Other Funds .....		<u>63,147,933</u>	
Total Auburn University .....	<u>44,861,189</u>	<u>63,147,933</u>	<u>108,009,122</u>

In addition to the above appropriation there is hereby appropriated \$312,001 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

**B. AGRICULTURAL EXPERIMENT STATION**

1. Operations and Maintenance .	<u>8,499,349</u>	<u>11,120,396</u>	<u>19,619,745</u>
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SOURCE OF FUNDS:

(1) ASETF .....	8,499,349		
(2) Other Funds .....		<u>11,120,396</u>	
Total Agriculture Experiment Station .....	<u>8,499,349</u>	<u>11,120,396</u>	<u>19,619,745</u>

In addition to the above appropriation there is hereby appropriated \$151,117 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Education Trust Fund and upon the approval of the Governor.

**C. COOPERATIVE EXTENSION SERVICE**

1. Operations and Maintenance .	<u>9,238,383</u>	<u>9,517,166</u>	<u>18,755,549</u>
2. Retirement .....	<u>1,400,000</u>		<u>1,400,000</u>

SOURCE OF FUNDS:

(1) ASETF .....	10,638,383		
(2) Other Funds .....		<u>9,517,166</u>	
Total Cooperative Extension Service .....	<u>10,638,383</u>	<u>9,517,166</u>	<u>20,155,549</u>

In addition to the above appropriation there is hereby appropriated \$129,477 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Education Trust Fund and upon the approval of the Governor.

**D. AUBURN UNIVERSITY AT MONTGOMERY**

1. Operations and Maintenance .	<u>7,076,168</u>	<u>6,387,993</u>	<u>13,464,161</u>
2. Montgomery Area Community Health Sciences Institute .....	<u>50,949</u>		<u>50,949</u>

3. Public Service, Research and Extension (Center for Government and Public Affairs) .....	167,751	47,436	215,187
4. Auxiliary Enterprises .....		1,619,450	1,619,450
5. Nursing Scholarships .....	<u>18,000</u>		<u>18,000</u>

## SOURCE OF FUNDS:

(1) ASETF .....	7,312,868		
(2) Other Funds .....		<u>8,054,879</u>	
Total Auburn University at Montgomery .....	<u>7,312,868</u>	<u>8,054,879</u>	<u>15,367,747</u>

In addition to the above appropriation, there is hereby appropriated \$37,054 for Operation and Maintenance to be conditioned on the availability of funds in the Alabama Special Education Trust Fund and upon the approval of the Governor.

## VI. Board of Trustees of Jacksonville State University

## A. JACKSONVILLE STATE UNIVERSITY

1. Operations and Maintenance .	11,692,641	5,376,000	17,068,641
2. Cooperative University Upper Division Program-Gadsden ....	464,000	91,000	555,000
3. Nursing Scholarships .....	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama .....	100,890		100,890
5. Vocational Teacher Training .	100,890		100,890
6. Auxiliary Enterprises .....		<u>2,620,210</u>	<u>2,620,210</u>

## SOURCE OF FUNDS:

(1) ASETF .....	12,376,421		
(2) Other Funds .....		<u>8,087,210</u>	
Total Jacksonville State University .....	<u>12,376,421</u>	<u>8,087,210</u>	<u>20,463,631</u>

In addition to the above appropriation, there is hereby appropriated \$32,247 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

## VII. Board of Trustees of Livingston University

## A. LIVINGSTON UNIVERSITY

1. Operations and Maintenance .	4,127,116	1,180,304	5,307,420
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>1,496,700</u>	<u>1,496,700</u>



SOURCE OF FUNDS:

(1) ASETF .....	4,145,116		
(2) Other Funds .....		<u>2,677,004</u>	
Total Livingston University .....	<u>4,145,116</u>	<u>2,677,004</u>	<u>6,822,120</u>

VIII. Board of Trustees of University of Montevallo

A. UNIVERSITY OF MONTEVALLO

1. Operations and Maintenance ..	6,047,658	3,245,101	9,292,759
2. School for Aphasic Children ..	220,295		220,295
3. Highway Safety Program .....	137,579		137,579
4. Communication Center .....	69,597		69,597
5. Auxiliary Enterprises .....		<u>3,251,380</u>	<u>3,251,380</u>

SOURCE OF FUNDS:

(1) ASETF .....	6,475,129		
(2) Other Funds .....		<u>6,496,481</u>	
Total University of Montevallo ..	<u>6,475,129</u>	<u>6,496,481</u>	<u>12,971,610</u>

In addition to the above appropriation, there is hereby appropriated \$66,952 for Operations and Maintenance to be conditioned upon the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

IX. Board of Trustees of University of North Alabama

A. UNIVERSITY OF NORTH ALABAMA

1. Operations and Maintenance ..	8,200,692	5,366,032	13,566,724
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>2,734,905</u>	<u>2,734,905</u>

SOURCE OF FUNDS:

(1) ASETF .....	8,218,692		
(2) Other Funds .....		<u>8,100,937</u>	
Total University of North Alabama .....	<u>8,218,692</u>	<u>8,100,937</u>	<u>16,319,629</u>

In addition to the above appropriation, there is hereby appropriated \$21,414 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

X. Board of Trustees of University of South Alabama

A. UNIVERSITY OF SOUTH ALABAMA

1. Operations and Maintenance .	12,401,321	10,625,096	23,026,417
2. Medical Research and Public Service .....	284,223		284,223
3. Family Practice Residency Program .....	568,293		568,293
4. College of Medicine .....	9,285,484	9,942,287	19,227,771
5. Medical Center Hospital .....	1,144,714	35,745,779	36,890,493
6. Newborn Growth and Development Program .....	80,834		80,834
7. Division of Allied Health .....	770,640	190,433	961,073
8. School of Nursing .....	709,493	261,488	970,981
9. Nursing Scholarships .....	18,000	4,800	22,800
10. Research, Public Service and Extension .....	92,916	65,000	157,916
11. Paramedic Training Program	140,808	44,000	184,808
12. Basic Medical Sciences .....	276,400	49,500	325,900
13. Birth Defect Genetic Center .	199,587		199,587
14. Auxiliary Enterprises .....		<u>6,600,566</u>	<u>6,600,566</u>

## SOURCE OF FUNDS:

(1) ASETF .....	25,972,713		
(2) Other Funds .....		<u>63,528,949</u>	
Total University of South Alabama	<u>25,972,713</u>	<u>63,528,949</u>	<u>89,501,662</u>

In addition to the above appropriation, there is hereby appropriated \$1,392,174 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

## XI. Board of Trustees of Troy State University

## A. TROY STATE UNIVERSITY

1. Operations and Maintenance at Troy .....	7,850,912	5,651,900	13,502,812
2. Operations and Maintenance at Ft. Rucker/Dothan .....	1,071,949	1,200,946	2,272,895
3. Operations and Maintenance in Montgomery .....	274,859	1,522,000	1,796,859
4. Nursing Scholarships .....	36,000		36,000
5. Operations and Maintenance at Bay Minette .....	61,568	274,831	336,399
6. School of Nursing-Montgomery	250,000	45,655	295,655
7. Branch Campus at Phenix City	93,452	405,000	498,452
8. Auxiliary Enterprises .....		<u>4,594,310</u>	<u>4,594,310</u>

## SOURCE OF FUNDS:

(1) ASETF .....	9,638,740
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(2) Other Funds .....		<u>13,694,642</u>	
Total Troy State University .....	<u>9,638,740</u>	<u>13,694,642</u>	<u>23,333,382</u>

In addition to the above appropriation, there is hereby appropriated \$25,114 for Operations and Maintenance to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

XII. Board of Trustees for Alabama Institute for Deaf and Blind

1. Children and Youth Programs .	6,163,326	1,367,380	7,530,706
2. E. H. Gentry Technical Facility	1,865,476	2,169,650	4,035,126
3. Industries for the Blind .....	<u>577,090</u>	<u>10,080,184</u>	<u>10,657,274</u>

SOURCE OF FUNDS:

(1) ASETF .....	8,605,892		
(2) Other Funds .....		<u>13,617,214</u>	
Total Alabama Institute for Deaf and Blind .....	<u>8,605,892</u>	<u>13,617,214</u>	<u>22,223,106</u>

In addition to the above appropriation, there is hereby appropriated \$387,467 for Children and Youth Programs, \$137,174 for E. H. Gentry Technical Facility and \$34,251 for Industries for the Blind to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

Deleting Section 6 in its entirety and inserting in lieu thereof the following new Section 6:

Section 6.

A. GOVERNOR'S EDUCATION PROGRAM .....

165,464

To the State Department of Education-Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program and Liability Insurance.

SOURCE OF FUNDS:

(1) ASETF .....	<u>165,464</u>		
Total Governor's Education Program .....	<u>165,464</u>		<u>165,464</u>

In addition to the above appropriation, \$1,834,536 is hereby appropriated from the Alabama Special Educational Trust Fund for the Governor's Education Program to be conditioned on the availability of funds and the approval of the Governor.

B. BURNED-OUT SCHOOL PROGRAM

\$2,000,000 is hereby appropriated for Burned-Out-Schools from the Alabama Special Educational Trust Fund to be conditioned on the availability of funds and the approval of the Governor. This conditional appropriation is to be allocated as follows:

- (1) Bessemer City Board of Education ..... \$400,000
- (2) Bullock County Board of Education ..... \$200,000
- (3) Cullman County Board of Education ..... \$400,000
- (4) Macon County Board of Education ..... \$200,000
- (5) Central Junior High School in Madison County ..... \$800,000

**C. CENTER FOR BASIC SCIENCES REWARD FOR CYSTIC FIBROSIS AT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM:**

- |   |           |
|---|-----------|
| (a) Support of State Universities Program ..... | 2,000,000 |
|---|-----------|

**SOURCE OF FUNDS:**

- |                 |                  |
|-----------------|------------------|
| (1) ASETF ..... | <u>2,000,000</u> |
|-----------------|------------------|

Total Center for Basic Sciences Reward for Cystic Fibrosis at the University in Birmingham ....	<u>2,000,000</u>	<u>2,000,000</u>
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The above appropriation to the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham is conditioned upon the availability of funds in the Alabama Special Educational Trust Fund, the approval of the Governor and upon the availability of \$2,500,000 in matching funds from the Cystic Fibrosis Foundation. The matching funds are to be paid in increments of \$500,000 annually beginning in fiscal year 1982-83 and continuing through fiscal year 1986-87.

**D. SYMPHONY, ALABAMA:**

- |   |           |
|---|-----------|
| (a) Support of Other Educational Activities Program ..... | 2,000,000 |
|---|-----------|

**SOURCE OF FUNDS:**

- |                 |                  |
|-----------------|------------------|
| (1) ASETF ..... | <u>2,000,000</u> |
|-----------------|------------------|

Total Alabama Symphony .....	<u>2,000,000</u>	<u>2,000,000</u>
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The above appropriation to the Alabama Symphony is conditioned upon the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Sincerely,  
FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Owens the House concurred in and adopted the substitute amendment proposed by His Excellency, the Governor, to the bill, H. 153, said Executive amendment being set out in the above and foregoing Message from the Governor.

Yeas 75; Nays 10.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Nevett, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Waggoner, Warren, Wyatt and Zoghby.

—75

*Nays:*

Reps. Barton, Cheatwood, Horn, Jackson, McMillan, Olive, Stewart, Tucker, Turnham and Whatley.

—10

#### MOTION TO SUSPEND RULES AND PASS

On motion of Rep. Owens, the rules were suspended and the bill:

H. 153. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

As amended by the substitute amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 89; Nays 8.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Minus, Mitchell, Naramore, Nevett, Olive, Patton, Payne, Pegues, Penry, Rains,

Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—89

*Nays:*

Reps. Cheatwood, Coburn, Horn, McMillan, Moore, Parker, Sandusky and Stewart.

—8

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 125. To amend Section 16-28-4 of the Code of Alabama 1975 providing for the minimum age at which a child may enter school so as to provide that a child who moves into this state having completed a mandated public kindergarten program in another state shall be admitted to school regardless of age.

Also:

H. 253. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1983, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 339. To amend Section 37-1-58, Code of Alabama 1975, which relates to the filing of annual return of business by utilities doing business in the State of Alabama so as to allow utilities the option of filing annual business reports on either a fiscal or calendar year basis.

Also:

H. 538. To amend Section 15-18-72, Code of Alabama 1975, as amended, relating to defendants ordered by the court to make restitution, so as to require payments be transmitted within a specified time.

Also:

H. 609. To provide for and prescribe time limits in which proceeds derived from the sale of oil and gas production shall be paid to the person or persons legally entitled thereto and to further prescribe interest penalties for failure to meet the said limits.

Also:

H. 745. To amend Section 41-9-96, Code of Alabama 1975, which provides for the permit fees and taxation of boxing and wrestling matches, so as to eliminate the gross receipts tax on such matches.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor returning House Bill No. 151 as amended without the Governor's signature and approval.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 26th day of April, 1982.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 151 as substituted and amended, without my signature and approval and with the following suggested Executive Amendment:

Deleting Sections 2-A, 2-B, 2-C, and Section 2-D-4 lines 10 through 23 in their entirety inserting in lieu thereof the following new Sections 2-A, 2-B, and 2-C:

2A. LEGISLATIVE:

1. Examiners of Public Accounts,  
Department of:

(a) Legislative Support-Audit  
Services Program .....

3,573,316

SOURCE OF FUNDS:

(1) State General Fund ..... 3,573,316

Total Department of Examiners of  
Public Accounts .....

3,573,316

3,573,316

In addition to the above appropriation, there is hereby appropriated \$1,550,000 to the Department of Examiners of

Public Accounts to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

2. Legislative Council:

(a) Legislative Operations and Support Program .....	130,000
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(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)

SOURCE OF FUNDS:

(1) State General Fund .....	<u>130,000</u>	
Total Legislative Council .....	<u>130,000</u>	<u>130,000</u>

3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program .....	442,794
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>442,794</u>	
Total Legislative Fiscal Office ...	<u>442,794</u>	<u>442,794</u>

4. Legislative Reference Service:

(a) Legislative Operations and Support Program .....	787,324
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The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$1,118.

SOURCE OF FUNDS:

(1) State General Fund .....	<u>787,324</u>	
Total Legislative Reference Service .....	<u>787,324</u>	<u>787,324</u>

5. Legislature:

(a) Senate Operations and Support Program .....	1,208,314
(b) House Operations and Support Program .....	1,813,929

SOURCE OF FUNDS:

(1) State General Fund .....	<u>3,022,243</u>	
Total Legislature .....	<u>3,022,243</u>	<u>3,022,243</u>



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6. Legislatures, National Conference of State:

(a) Legislative Operations and Support Program ..... 54,365

SOURCE OF FUNDS:

(1) State General Fund .....	<u>54,365</u>	
Total National Conference of State Legislatures .....	<u>54,365</u>	<u>54,365</u>

B. JUDICIAL:

1. Court of Civil Appeals:

(a) Court Operations Program .. 749,285

SOURCE OF FUNDS:

(1) State General Fund .....	<u>749,285</u>	
Total Court of Civil Appeals ....	<u>749,285</u>	<u>749,285</u>

In addition to the above appropriation, there is hereby appropriated \$23,208 to the Court of Civil Appeals to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

2. Court of Criminal Appeals:

(a) Court Operations Program .. 1,105,213

SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,105,213</u>	
Total Court of Criminal Appeals .	<u>1,105,213</u>	<u>1,105,213</u>

In addition to the above appropriation, there is hereby appropriated \$31,328 to the Court of Criminal Appeals to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

3. Judicial Inquiry Commission:

(a) Administrative Services Program ..... 73,251

SOURCE OF FUNDS:

(1) State General Fund .....	<u>73,251</u>	
Total Judicial Inquiry Commission	<u>73,251</u>	<u>73,251</u>

4. Judicial Retirement System:

(a) Retirement Systems Program 1,053,000

## SOURCE OF FUNDS:

(1) State General Fund .....	1,053,000	
Total Judicial Retirement System	<u>1,053,000</u>	<u>1,053,000</u>

## 5. Supreme Court:

(a) Court Operations Program ..		2,958,532
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## SOURCE OF FUNDS:

(1) State General Fund .....	2,944,532	
(2) Federal, Local and Miscellaneous Funds .....		<u>14,000</u>
Total Supreme Court .....	<u>2,944,532</u>	<u>14,000</u> <u>2,958,532</u>

In addition to the above appropriation, there is hereby appropriated \$55,105 to the Supreme Court to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

## 6. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program ..	42,765,980
(b) Administrative Services Program .....	3,549,445

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>46,315,425</u>	
Total Unified Judicial System ...	<u>46,315,425</u>	<u>46,315,425</u>

In addition to the above appropriation, there is hereby appropriated \$2,174,632 to the Unified Judicial System to be conditioned on the availability of funds in the State General Fund and upon approval of the Governor.

## C. EXECUTIVE:

## 1. Academy of Honor, Alabama:

(a) Historical Resources Management Program .....	1,000
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## SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama .....	<u>1,000</u>	
Total Alabama Academy of Honor	<u>1,000</u>	<u>1,000</u>

## 2. Accountancy, Alabama State Board of Public:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	187,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund .....	187,000
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As provided in Title 34, Chapter 1,  
Section 22, 1975 Code of Ala-  
bama.

In addition to the amounts appro-  
priated hereinabove to the State  
Board of Public Accountancy,  
there is hereby appropriated  
such an amount as may be neces-  
sary to pay the refund of any ap-  
plication for license which may  
have been rejected by the Board  
or withdrawn by request of  
applicant.

Total Alabama State Board of Pub- lic Accountancy .....	<u>187,000</u>	<u>187,000</u>
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3. Adjustment, Board of:

(a) Special Services Program ....	165,000
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SOURCE OF FUNDS:

(1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Ala- bama .....	15,000
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(2) State General Fund for expen- ditures as provided in Title 31, Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Ala- bama, Estimated .....	<u>150,000</u>
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Total Board of Adjustment .....	<u>165,000</u>	<u>165,000</u>
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4. Aeronautics, Department of:

(a) Airport Development and Aeronautical Support Program	625,387
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The appropriation to the Depart-  
ment of Aeronautics shall in-  
clude a transfer to the State Per-  
sonnel Department of \$266.

SOURCE OF FUNDS:

(1) Airport Development Fund ..	625,387
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As provided by Title 4, Chapter 2,  
Section 42, 1975 Code of Ala-  
bama

Total Department of Aeronautics	<u>625,387</u>	<u>625,387</u>
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## 5. Aging, Commission:

(a) Planning and Advocacy for Elderly Program .....		13,473,015
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The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of \$852.

(b) Retired Senior Volunteer Program .....		339,000
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In addition to the programs currently funded by the funds allocated to the Retired Senior Citizens Volunteer Programs, the following programs will receive the same pro rata share of the total appropriation as received by the Retired Senior Citizens Volunteer Programs: Foster Grandparent Program-Decatur; Foster Grandparent Program-Birmingham; Foster Grandparent Program-Russellville; Foster Grandparent Program-Mobile; and the Senior Companion Program-Mobile.

## SOURCE OF FUNDS:

(1) State General Fund Transfer	1,115,632		
(2) Federal, Local and Misc. Funds		<u>12,696,383</u>	
Total Commission on Aging .....	<u>1,115,632</u>	<u>12,696,383</u>	<u>13,812,015</u>

## 6. Agricultural Center Board:

(a) Agricultural Development Services Program .....		573,347
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The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$692.

## SOURCE OF FUNDS:

(1) State General Fund .....	120,000
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For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.

(2) State General Fund Transfer	305,147		
(3) Livestock Coliseum Fund ....		<u>148,200</u>	
Total Agricultural Center board .	<u>425,147</u>	<u>148,200</u>	<u>573,347</u>

7. Agricultural and Industrial  
Exhibit Commission, Alabama:

(a) Agricultural Development Services Program .....	31,428
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>31,428</u>	
Total Alabama Agricultural and Industrial Exhibit Commission	<u>31,428</u>	<u>31,428</u>

8. Agriculture and Industries, De-  
partment of:

(a) Administrative Services Pro- gram .....	1,126,118
(b) Agricultural Inspection Ser- vices Program .....	10,053,971
(c) Laboratory Analysis and Dis- ease Control Program .....	3,403,069
(d) Agricultural Development Services Programs .....	632,813

The appropriation to the Depart-  
ment of Agriculture and Indus-  
tries shall include a transfer to  
the State Personnel Department  
of \$22,897.

SOURCE OF FUNDS:

(1) State General Fund Transfer	6,741,121
(2) Federal, Local and Miscellane- ous Funds .....	2,167,180
(3) Shipping Point Inspection Fund .....	4,207,020

Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Ala-  
bama. All fees and charges collected by the Commissioner of Agriculture and  
Industries and deposited into said Fund, and such appropriation to the  
Department of Agriculture and Industries shall include all fees and charges  
collected and deposited therein for Shipping Point Inspection, grading and  
classification services for agricultural products including services furnished  
for weighing and issuing weight certificates to be used for the sale of agricul-  
tural commodities.

(4) Agricultural Fund .....	<u>2,100,650</u>	
Total Department of Agriculture and Industries .....	<u>6,741,121</u>	<u>8,474,850</u> <u>15,215,971</u>

In addition to the above appropria-  
tion there is hereby appropriated  
\$2,000,000 to the Department of  
Agriculture and Industries for  
Capital Outlay for the Farmer's  
Market in Montgomery to be

conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

9. Alcoholic Beverage Control Board, Alabama:

(a) Alcoholic Beverage Management Program .....	26,536,720
(b) Licensing, Regulation and Enforcement Program .....	5,742,662
(c) Administrative Services Program .....	4,090,728

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$61,344, and to Mental Health of \$1,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund .....	36,370,110
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board .....	36,370,110	36,370,110
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10. Architects, Board for Registration of:

(a) Professional and Occupational Licensing and Regulation Program .....	111,300
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The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$106.

SOURCE OF FUNDS:

(1) Fund of the Board of Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 .....	111,300	
Total Board for Registration of Architects .....	111,300	111,300

11. Archives and History:

(a) Historical Resources Management Program .....		1,009,859
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SOURCE OF FUNDS:

(1) State General Fund .....	994,859	
(2) Federal, Local and Miscellaneous Funds .....	15,000	
Total Archives and History .....	994,859	1,009,859

12. Attorney General, Office of the:

(a) Legal Advice and Legal Service Program .....		4,801,769
(b) Fair Marketing Practices Program .....		378,135

SOURCE OF FUNDS:

(1) State General Fund .....	3,866,973	
(2) Transfer from Pensions and Security .....	622,609	
(3) Federal, Local and Miscellaneous Funds .....	690,322	
Total Office of the Attorney General .....	3,866,973	5,179,904

In addition to the above appropriation, there is hereby appropriated \$14,136 to the Attorney General's Office to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

13. Auditor, State:

(a) Fiscal Management Program .....		749,622
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SOURCE OF FUNDS:

(1) State General Fund .....	749,622	
Total State Auditor .....	749,622	749,622

## 14. Banking Department, State:

- |  |           |
|--|-----------|
| (a) Charter, License, and Regulate<br>Financial Institutions Program | 2,156,850 |
|--|-----------|

The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$2,449.

## SOURCE OF FUNDS:

(1) Banking Assessment Fees ...	1,682,338	
As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.		
(2) Bureau of Credit Unions ....	197,267	
As provided in Title 5, Chapter 2, Article 5, Divisions 1 and 2, 1975 Code of Alabama.		
(3) Loan Examination Fund ....	277,245	
As provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Ala- bama.		
Total State Banking Department	<u>2,156,850</u>	<u>2,156,850</u>

## 15. Bar Association, Alabama State:

- |  |         |
|--|---------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... | 716,385 |
|--|---------|

## SOURCE OF FUNDS:

(1) State Bar Association Fund, as provided in Title 34, Chapter 3, 1975 Code of Alabama .....	<u>716,385</u>	
Total Alabama State Bar Associa- tion .....	<u>716,385</u>	<u>716,385</u>

16. Bear Creek Development Au-  
thority:

- |   |         |
|---|---------|
| (a) Water Resource Development<br>Program ..... | 192,918 |
|---|---------|

## SOURCE OF FUNDS:

(1) State General Fund .....	26,093	
(2) Federal, Local and Miscellane- ous Funds .....	166,825	
Total Bear Creek Development Au- thority .....	<u>26,093</u>	<u>166,825</u>
		<u>192,918</u>

## 17. Brierfield Ironworks Park:

- |  |         |
|--|---------|
| (a) Outdoor Recreation Sites and<br>Services Program ..... | 102,597 |
|--|---------|



SOURCE OF FUNDS:

(1) State General Fund .....	25,000		
(2) Federal, Local and Miscellaneous Funds .....		<u>77,597</u>	
Total Brierfield Ironworks Park .	<u>25,000</u>	<u>77,597</u>	<u>102,597</u>

18. Building Commission:

(a) Special Services Program ....			834,364
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The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$373.

SOURCE OF FUNDS:

(1) State General Fund .....	240,162		
(2) Federal, Local and Miscellaneous Funds .....		<u>594,202</u>	
Total Building Commission .....	<u>240,162</u>	<u>594,202</u>	<u>834,364</u>

19. Cahaba-Advisory Committee:

(a) Historical Resources Management Program .....			25,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>25,000</u>		
Total Cahaba Advisory Committee	<u>25,000</u>		<u>25,000</u>

In addition to the above appropriation there is hereby appropriated \$250,000 to the Cahaba-Advisory Committee for capital outlay to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

20. Chiropractic Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....			31,500
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama .....		<u>31,500</u>	
Total Alabama State Board of Chiropractic Examiners .....		<u>31,500</u>	<u>31,500</u>

21. Civil Defense, Department of:

(a) Readiness and Recovery Program .....	2,360,144
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The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of \$1,438.

SOURCE OF FUNDS:

(1) State General Fund .....	561,497		
(2) Federal, Local and Miscellaneous Funds .....		<u>1,798,647</u>	
Total Department of Civil Defense	<u>561,497</u>	<u>1,798,647</u>	<u>2,360,144</u>

22. Coastal Area Board, Alabama:

(a) Coastal Area Management Program .....	704,500
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The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$373.

SOURCE OF FUNDS:

(1) State General Fund Transfer	48,500		
(2) Federal, Local and Miscellaneous Funds .....		<u>656,000</u>	
Total Alabama Coastal Area Board	<u>48,500</u>	<u>656,000</u>	<u>704,500</u>

23. Conservation and Natural Resources, Department of:

(a) Wildlife and Game Program .	11,619,195
(b) State Land Management Program .....	543,537
(c) Outdoor Recreation Sites and Services Program .....	13,058,814
(d) Administrative Services Program .....	2,183,351
(e) Marine Police Management Program .....	1,697,910
(f) Marine Resources Management Program .....	1,300,707

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$29,926.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,062,580	
(2) Game and Fish Fund .....		11,533,496

(3) State Lands Fund ..... 544,206

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund ..... 1,302,308

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(5) Marine Police Fund ..... 1,700,000

(6) State Parks Fund ..... 10,674,886

The appropriation to the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion.

(7) Administrative Funds ..... 2,186,038

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.

(8) Cigarette Tax ..... 400,000

Total Department of Conservation and Natural Resources .....	<u>2,062,580</u>	<u>28,340,934</u>	<u>30,403,514</u>
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In addition to the above appropriation there is hereby appropriated \$2,160,642 to Frank Jackson Park to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor. In addition to the above appropriation there is hereby appropriated \$500,000 for the purchase and development of Camp Cosby property for a state park in Jefferson County to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

24. Contractors, State Licensing Board For General:

(a) Professional and Occupational Licensing and Regulation Program .....	228,902
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The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$319.

#### SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund .....	228,902
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Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated hereinabove to the State Licensing Board for General

Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors .....	228,902	228,902
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25. Corrections, Board of:

(a) Administrative Services and Logistical Support Program ...	10,232,466
(b) Institutional Services Correc- tions Program .....	60,751,595
(c) Correctional Industries Pro- gram .....	6,809,729

The appropriation to the Board of Corrections shall include a transfer to the State Personnel Department of \$68,053.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	72,325,740
(2) Federal, Local and Miscellane- ous Funds .....	1,968,050
(3) Board of Corrections Fund ...	3,500,000

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections' operations are also hereby appropriated.

Total Board of Corrections .....	72,325,740	5,468,050	77,793,790
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In addition to the above appropriation there is hereby appropriated \$5,423,866 to the Board of Corrections to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

26. Cosmetology, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	384,500
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$479.

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund .....	384,500
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As provided in Title 34, Chapter 7,  
1975 Code of Alabama.

Total Alabama Board of Cosmetol- ogy .....	384,500	384,500
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27. Counseling, Alabama Board of  
Examiners In:

- (a) Professional and Occupational  
Licensing and Regulation Pro-  
gram .....

22,000

SOURCE OF FUNDS:

- (1) Alabama Board of Examiners  
in Counseling Fund .....

22,000

As provided in Title 34, Chapter  
8A, 1975 Code of Alabama.

Total Alabama Board of Examiners  
in Counseling .....

22,000

22,000

28. Criminal Justice Information  
System, Alabama:

- (a) Criminal Justice Information  
Services Program .....

2,760,335

The appropriation to the Alabama  
Criminal Justice Information  
System shall include a transfer to  
the State Personnel Department  
of \$2,662.

SOURCE OF FUNDS:

- (1) State General Fund-Transfer

2,276,735

- (2) Federal, Local and Miscellane-  
ous Funds .....

483,600

Total Alabama Criminal Justice  
Information System .....

2,276,735

483,600

2,760,335

29. Dairy Commission, Alabama:

- (a) Regulatory Services Program

369,400

The appropriation to the Alabama  
Dairy Commission shall include  
a transfer to the State Personnel  
Department of \$532.

SOURCE OF FUNDS:

- (1) Alabama Dairy Commission  
Fund .....

369,400

As provided in Title 2, Chapter 13,  
1975 Code of Alabama.

Total Alabama Dairy Commission

369,400

369,400

30. Development Office, Alabama:

- (a) Industrial Development Pro-  
gram .....

2,543,648

- (b) Administrative Services  
Program-Office of Minority  
Business .....

159,783

(c) Alabama Film Commission-Promotional Development Program .....	218,654
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The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$1,757.

**SOURCE OF FUNDS:**

(1) State General Fund-Transfer Alabama Development Office ..	2,493,648		
(2) State General Fund-Transfer Office of Minority Business ...	99,388		
(3) State General Fund-Transfer Alabama Film Commission ...	218,654		
(4) Federal, Local and Miscellaneous Funds .....		<u>110,395</u>	
Total Alabama Development Office .....	<u>2,811,690</u>	<u>110,395</u>	<u>2,922,085</u>

**31. District Attorneys:**

(a) Court Operations Program ..	8,021,067
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The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys ..... 1,578,911

Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit ..... 39,303

For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit ..... 99,375

Salaries and expenses of Supernumerary District Attorneys ..... 669,811

For use in the District Attorney's Office of the 1st Judicial Circuit ..... 85,707

For use in the District Attorney's Office of the 2nd Judicial Circuit ..... 73,245

For use in the District Attorney's Office of the 3rd Judicial Circuit ..... 115,293

For use in the District Attorney's Office of the 4th Judicial Circuit ..... 323,398

For use in the District Attorney's Office of the 5th Judicial Cir- cuit .....	269,631
For use in the District Attorney's Office of the 6th Judicial Cir- cuit .....	235,488
For use in the District Attorney's Office of the 7th Judicial Cir- cuit .....	140,033
For the use in the District Attor- ney's Office of the 8th Judicial Circuit .....	112,547
For use in the District Attorney's Office of the 9th Judicial Cir- cuit .....	106,596
For use in the District Attorney's Office of the 10th Judicial Cir- cuit .....	361,529
For use in the District Attorney's Office of the 11th Judicial Cir- cuit .....	92,637
For use in the District Attorney's Office of the 12th Judicial Cir- cuit .....	197,569
For use in the District Attorney's Office of the 13th Judicial Cir- cuit .....	347,412
For use in the District Attorney's Office of the 14th Judicial Cir- cuit .....	97,557
For use in the District Attorney's Office of the 15th Judicial Cir- cuit .....	344,511
For use in the District Attorney's Office of the 16th Judicial Cir- cuit .....	156,811
For use in the District Attorney's Office of the 17th Judicial Cir- cuit .....	59,485
For use in the District Attorney's Office of the 18th Judicial Cir- cuit .....	173,484
For use in the District Attorney's Office of the 19th Judicial Cir- cuit .....	102,997
For use in the District Attorney's Office of the 20th Judicial Cir- cuit .....	150,932
For use in the District Attorney's Office of the 21st Judicial Cir- cuit .....	115,021

For use in the District Attorney's Office of the 22nd Judicial Cir- cuit .....	97,649
For use in the District Attorney's Office of the 23rd Judicial Cir- cuit .....	252,955
For use in the District Attorney's Office of the 24th Judicial Cir- cuit .....	91,491
For use in the District Attorney's Office of the 25th Judicial Cir- cuit .....	86,922
For use in the District Attorney's Office of the 26th Judicial Cir- cuit .....	153,470
For use in the District Attorney's Office of the 27th Judicial Cir- cuit .....	116,458
For use in the District Attorney's Office of the 28th Judicial Cir- cuit .....	112,293
For use in the District Attorney's Office of the 29th Judicial Cir- cuit .....	147,127
For use in the District Attorney's Office of the 30th Judicial Cir- cuit .....	148,107
For use in the District Attorney's Office of the 31st Judicial Cir- cuit .....	89,739
For use in the District Attorney's Office of the 32nd Judicial Cir- cuit .....	88,476
For use in the District Attorney's Office of the 33rd Judicial Cir- cuit .....	83,138
For use in the District Attorney's Office of the 34th Judicial Cir- cuit .....	44,478
For use in the District Attorney's Office of the 35th Judicial Cir- cuit .....	60,370
For use in the District Attorney's Office of the 36th Judicial Cir- cuit .....	73,710
For use in the District Attorney's Office of the 37th Judicial Cir- cuit .....	98,417
For use in the District Attorney's Office of the 38th Judicial Cir- cuit .....	111,827



For use in the District Attorney's  
Office of the 39th Judicial Cir-  
cuit ..... 40,157

Appropriations of Salaries of Per-  
sonnel Established by Statute  
are estimated.

Travel Expense of District Attor-  
neys ..... 75,000  
8,021,067

SOURCE OF FUNDS:

(1) State General Fund ..... 8,021,067

Total District Attorneys ..... 8,021,067 8,021,067

In addition to the above appropriation, there is hereby appropriated  
\$458,408 to the District Attorneys to be conditioned on the availability of  
funds in the State General Fund and upon approval of the Governor.

32. Energy, Department of:

(a) Energy Management Program ..... 6,020,817

The appropriation to the Depart-  
ment of Energy shall include a  
transfer to the State Personnel  
Department of \$1,438.

SOURCE OF FUNDS:

(1) State General Fund-Transfer ..... 620,817

(2) Federal, Local and Miscellane-  
ous Funds ..... 5,400,000

Total Department of Energy .... 620,817 5,400,000 6,020,817

33. Engineers and Land Sur-  
veyors, State Board of Registra-  
tion for Professional:

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 251,229

The appropriation to the State  
Board of Registration for Profes-  
sional Engineers and Land Sur-  
veyors shall include a transfer to  
the State Personnel Department  
of \$266.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund ..... 251,229

As provided in Title 34, Chapter 11,  
1975 Code of Alabama as  
amended and Act No. 1049, 1975  
Regular Session.

Total State Board of Registration  
for Professional Engineers and  
Land Surveyors ..... 251,229 251,229

## 34. Ethics Commission, Alabama:

(a) Regulation of Public Officials and Employees Program .....	229,182
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## SOURCE OF FUNDS:

(1) State General Fund .....	229,182	
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Total Alabama Ethics Commission	<u>229,182</u>	<u>229,182</u>
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## 35. Farmers' Market Authority:

(a) Agricultural Development Services Program .....	164,899
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## SOURCE OF FUNDS:

(1) State General Fund—Transfer for Administration .....	84,899	
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(2) Farmers' Market Authority Fund—Revenue and Capital Outlay Account .....	80,000	
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Total Farmers' Market Authority	<u>84,899</u>	<u>80,000</u>	<u>164,899</u>
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In addition to the above appropriation there is hereby appropriated \$250,000 to the Farmers' Market Authority for Capital Outlay and \$150,000 to the Perry County Farmers' Market Authority for Capital Outlay both to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

## 36. Finance, Department of:

(a) Fiscal Management Program	2,717,763
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(b) Administrative Support Ser- vices Program .....	4,261,032
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## SOURCE OF FUNDS:

(1) State General Fund .....	6,978,795	
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Total Department of Finance ....	<u>6,978,795</u>	<u>6,978,795</u>
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In addition to the above appropriation to the Department of Finance, there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

37. Finance, Department of-Air  
Transportation Division:

(a) Administrative Support Ser- vices Program .....	2,040,725
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## SOURCE OF FUNDS:

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(1) State General Fund-Transfer	1,990,417		
(2) Departmental Receipts .....		50,308	
Total Department of Finance-Air Transportation Division .....	<u>1,990,417</u>	<u>50,308</u>	<u>2,040,725</u>

38. Forensic Sciences, Department of:

(a) Forensic Sciences Services Program .....			3,835,424
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The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$4,260.

SOURCE OF FUNDS:

(1) State General Fund .....	3,784,924		
(2) Federal, Local and Miscellaneous Funds .....		50,500	
Total Department of Forensic Sciences .....	<u>3,784,924</u>	<u>50,500</u>	<u>3,835,424</u>

In addition to the above appropriation there is hereby appropriated \$350,000 to the Department of Forensic Sciences to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

39. Foresters, Alabama State Board of Registration for:

(a) Professional and Occupational Licensing and Regulation Program .....			17,900
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund .		17,900	
As provided in Title 34, Chapter 12, 1975 Code of Alabama.			
Total Alabama State Board of Reg- istration for Foresters .....		<u>17,900</u>	<u>17,900</u>

40. Forestry Commission, Alabama:

(a) Forest Resource Protection Program .....			9,937,909
(b) Forest Resource Management and Development Program ....			2,110,968
(c) Education and Information Program .....			509,262
(d) Administrative Services Pro- gram .....			1,719,230

The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$24,495.

#### SOURCE OF FUNDS:

(1) State General Fund—Transfer	8,607,059	
(2) Federal and Local Funds . . . .		2,300,700
(3) Forestry Commission Fund . .		3,369,610

It is provided that in the event receipts into the Forestry Commission Funds relating to federal grants, county appropriations, seedling price increases, contributions, and inter-department transfers exceed amounts originally appropriated for these sources of funds such excess receipts are hereby appropriated.

Of the above appropriation \$400,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission . . . . .	<u>8,607,059</u>	<u>5,670,310</u>	<u>14,277,369</u>
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In addition to the above appropriation there is hereby appropriated \$2,000,000 to the Alabama Forestry Commission to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor. Of such conditional appropriation released, twenty-five percent (25%) shall be expended by the Alabama Forestry Commission for Rural and Community Fire Protection.

#### 41. Fort Morgan-Alabama Historical Commission:

(a) Historical Resources Management Program . . . . .		623,719
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#### SOURCE OF FUNDS:

(1) State General Fund . . . . .	123,719	
(2) Federal, Local and Misc. Funds. . . . .		<u>500,000</u>

Total Alabama Historical Commission—Fort Morgan . . . .	<u>123,719</u>	<u>500,000</u>	<u>623,719</u>
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In addition to the above appropriation there is hereby appropriated

\$500,000 to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

42. Funeral Service, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	91,500
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SOURCE OF FUNDS:

(1) AL Funeral Directors & Embalmers Fund .....	91,500
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As provided in Title 34, Chapter 13, 1975 Code of Alabama.

Total Alabama Board of Funeral Service .....	<u>91,500</u>	<u>91,500</u>
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43. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....	2,489,465
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The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,940.

SOURCE OF FUNDS:

(1) State General Fund .....	1,369,311		
(2) Federal, Local and Misc. Funds .....		<u>1,120,154</u>	
Total Geological Survey .....	<u>1,369,311</u>	<u>1,120,154</u>	<u>2,489,465</u>

44. Gorgas Memorial Board:

(a) Historical Resources Management Program .....	11,200
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SOURCE OF FUNDS:

(1) State General Fund .....	9,700		
(2) Federal, Local and Miscellaneous Funds .....		<u>1,500</u>	
Total Gorgas Memorial Board ...	<u>9,700</u>	<u>1,500</u>	<u>11,200</u>

45. Governor's Office:

(a) Executive Direction Program .....	1,355,681
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,355,681</u>
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Total Governor's Office .....	<u>1,355,681</u>	<u>1,355,681</u>
46. Governor's Office-Legal:		
(a) Executive Direction Program		120,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>120,000</u>	
Total Governor's Office-Legal ...	<u>120,000</u>	<u>120,000</u>
47. Governor's Contingency Fund:		
(a) Executive Direction Program		352,200
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>352,200</u>	
Total Governor's Contingency Fund .....	<u>352,200</u>	<u>352,200</u>
48. Governor's Mansion:		
(a) Executive Direction Program		206,834
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>206,834</u>	
Total Governor's Mansion .....	<u>206,834</u>	<u>206,834</u>
49. Governor's Mansion Advisory Board:		
(a) Executive Direction Program		10,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>10,000</u>	
Total Governor's Mansion Advisory Bd. ....	<u>10,000</u>	<u>10,000</u>
50. Health, Department of Public:		
(a) Administrative Services Program .....		3,859,040
(b) Health Support Services Program .....		37,818,935
Of this amount, \$7,738,688 shall go to the local health departments with each of the 67 departments receiving a base of \$40,000 and the remaining amount distributed equally on a per capita basis, based on the 1980 census.		
(c) Personal Health Improvement Program .....		35,925,929
(d) Environmental Health Improvement Program .....		8,805,344

(e) Special Services Program ....	2,746,396
(f) Health Planning, Development and Regulation Program .....	1,475,114
(g) University of Alabama in Bir- mingham Biomedical Sciences Program .....	325,000

The appropriation to the Depart-  
ment of Public Health shall in-  
clude a transfer to the State Per-  
sonnel Department of \$102,932.

SOURCE OF FUNDS:

(1) State General Fund .....	20,106,186		
(2) Cigarette Tax-\$.01 .....		1,900,000	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(3) Cigarette Tax-\$.02 .....		2,200,000	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(4) Vital Statistics Fund .....		1,049,749	
(5) Hospital Licensing Fund ....		205,700	
(6) Emergency Medical Services Fund .....		30,000	
As provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama			
(7) Local Health Departments ...		24,951,684	
(8) Air Pollution Fines .....		30,000	
(9) Nuclear Monitoring Fund ...		20,000	
(10) Miscellaneous Funds .....		2,936,438	
(11) Federal Funds .....		37,526,001	
Total Department of Public Health	<u>20,106,186</u>	<u>70,849,572</u>	<u>90,955,758</u>

In addition to the above appropriation there is hereby appropriated \$215,000 to the Department of Public Health for the Mobile Branch Laboratory and \$38,000 to the State Virology Laboratory in Jefferson County located at the University of Alabama Medical Center and \$55,000 to the Department of Public Health for Phenylketonuria Children Program (PKU) to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriation to the Depart. of Public Health, there is hereby appropriated \$1,000,000 to the Personal Health Improvement Program for maternal and child health care to be conditioned upon the availability of funds in the State General Fund and upon approval of the Governor.

51. Health Planning and Devel-  
opment Agency, State:

(a) Health Planning, Development and Regulation Program .....	951,207
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The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of \$1,384.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	275,678		
(2) Federal, Local and Misc. Funds		<u>675,529</u>	
Total State Health Planning and Development Agency .....	<u>275,678</u>	<u>675,529</u>	<u>951,207</u>

52. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	23,000
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SOURCE OF FUNDS:

(1) State Board of Health-Hearing Aid Fund .....	23,000
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As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.

Total Alabama Board of Hearing Aid Dealers .....	<u>23,000</u>	<u>23,000</u>
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53. Highway Department:

(a) Central Administration Pro- gram .....	7,693,436
(b) Division and District Supervi- sion Program .....	14,686,325
(c) Operations and Support Ser- vices Program .....	6,050,711
(d) Maintenance Program .....	65,804,608
(e) Non-Programmatic Expendi- tures .....	95,157,645

Proposed Spending Plan for the  
above (e) includes the following:

Debt. Service .....94,786,663

Equipment-Other than Automo-  
tive .....370,982

(f) Construction-Federal Aid Pro- gram .....	214,609,000
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Proposed Spending Plan for the  
above (f) includes the following:



Federal Aid Matching	31,041,000	
Non-Participating Work on Federal Aid Projects	.....1,000,000	
Federal Aid	.....182,568,000	
(g) Construction-State Program		4,434,907
(h) Operations-Land and Buildings	.....	706,800

The appropriation to the Highway Department shall include a transfer to the State Personnel Department of \$183,819.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	75,000
(2) Public Road and Bridge Fund	176,470,432
(3) Federal Aid	.....232,598,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$94,786,663 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department .....	<u>75,000</u>	<u>409,068,432</u>	<u>409,143,432</u>
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54. Highway and Traffic Safety,  
Office of:

(a) Traffic Control and Accident Prevention Program .....			2,348,727
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The appropriation to the Office of  
Highway and Traffic Safety shall  
include a transfer to the State  
Personnel Department of \$532.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	63,423		
(2) Federal Funds .....		<u>2,285,304</u>	

Total Office of Highway and Traffic Safety .....	<u>63,423</u>	<u>2,285,304</u>	<u>2,348,727</u>
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55. Historic Chattahoochee Com-  
mission:

(a) Historical Resources Manage- ment Program .....			119,305
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	70,505		
(2) Federal, Local and Miscellane- ous Funds .....		<u>48,800</u>	

Total Historic Chattahoochee Commission .....	<u>70,505</u>	<u>48,800</u>	<u>119,305</u>
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56. Historical Commission, Ala-  
bama:

(a) Historical Resources Manage- ment Program .....			1,488,179
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The appropriation to the Alabama  
Historical Commission shall in-  
clude a transfer to the State Per-  
sonnel Department of \$1,704.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	433,283		
(2) Federal, Local and Miscellane- ous Funds .....		<u>1,054,896</u>	

Total Alabama Historical Commis- sion .....	<u>433,283</u>	<u>1,054,896</u>	<u>1,488,179</u>
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57. Industrial Relations, Depart-  
ment of:

(a) Skills Enhancement and Em- ployment Opportunities Pro- gram .....			16,015,336
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(b) Unemployment Compensation Program .....	26,531,551
(c) Administrative Services Program .....	7,431,843
(d) Industrial Safety and Accident Prevention Program .....	5,566,488

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$105,328.

SOURCE OF FUNDS:

(1) State General Fund .....	862,175		
(2) Federal, Local and Miscellaneous Funds .....		<u>54,683,043</u>	
Total Department of Industrial Relations .....	<u>862,175</u>	<u>54,683,043</u>	<u>55,545,218</u>

58. Insurance Board, State Employees':

(a) Administrative Support Services Program .....	83,963
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>83,963</u>		
Total State Employees' Insurance Board .....	<u>83,963</u>		<u>83,963</u>

59. Insurance, Department of:

(a) Regulatory Services Program .....	2,418,665
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The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) State General Fund .....	1,238,439		
(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, 1975 Code of Alabama .....		970,300	
(3) Fire Marshalls' Fund .....		209,926	

As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.

Total Department of Insurance ..	<u>1,238,439</u>	<u>1,180,226</u>	<u>2,418,665</u>
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60. Labor, Department of:

(a) Regulatory Services Program			325,617
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## SOURCE OF FUNDS:

(1) State General Fund .....	290,617		
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(2) Federal, Local and Miscellaneous Funds .....		35,000	
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Total Department of Labor .....	290,617	35,000	325,617
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## 61. Lagrange Historical Site—Alabama Historical Commission:

(a) Historical Resources Management Program .....			6,126
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## SOURCE OF FUNDS:

(1) State General Fund .....	2,076		
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As provided in Title 41, Chapter 9, Section 270, 1975 Code of Alabama.

(2) Federal and Local Funds ....		4,050	
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Total Alabama Historical Commission—LaGrange Historical Site .....	2,076	4,050	6,126
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## 62. Landscape Architects, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program .....			7,675
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## SOURCE OF FUNDS:

(1) Landscape Architects Fund ..		7,675	
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As provided in Title 34, Chapter 17, 1975 Code of Alabama.

Total Board of Examiners of Landscape Architects .....		7,675	7,675
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## 63. Law Enforcement Planning Agency, Alabama:

(a) Law Enforcement Planning and Development Program ....			3,444,847
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(b) Glory House for Boys .....			40,000
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The appropriation to the Alabama Law Enforcement Planning Agency shall include a transfer to the State Personnel Department of \$958.

## SOURCE OF FUNDS:

(1) State General Fund—Transfer for Matching Federal Funds ...	281,002		
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(2) Federal, Local and Miscellaneous Funds .....		<u>3,203,845</u>	
Total Alabama Law Enforcement Planning Agency .....	<u>281,002</u>	<u>3,203,845</u>	<u>2,484,847</u>

64. Liquefied Petroleum Gas Board:

(a) Regulatory Services Program			201,900
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The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of \$266.

SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund .....		<u>201,900</u>	
Total Liquefied Petroleum Gas Board .....		<u>201,900</u>	<u>201,900</u>

65. Medicaid Agency, Alabama:

(a) Medical Assistance through Medicaid Program .....			394,767,819
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The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of \$11,182.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	91,647,194		
(2) Transfer from Pensions and Security .....		1,064,400	
(3) Transfer from Mental Health		30,851,625	
(4) Federal, Local and Miscellaneous Funds .....		<u>271,204,600</u>	
Total Alabama Medicaid Agency	<u>91,647,194</u>	<u>303,120,625</u>	<u>394,767,819</u>

In addition to the above appropriation there is hereby appropriated \$4,400,000 to the Alabama Medicaid Agency to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

66. Mental Health, Department of:

(a) Institutional Treatment and Care—Mental Illness Program			71,452,865
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(b) Institutional Treatment and Care—Mental Retardation Program .....			57,942,594
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(c) Institutional Treatment and Care—Criminally Insane Program .....	3,390,349
(d) Non-Institutional Treatment and Care Program .....	33,801,263
(Of this amount, \$14,477,283 shall be used for Community Programs. Of this \$14,477,283, \$100,000 shall be appropriated to the River Bend Mental Health Center for Alcohol Treatment for capital outlay.)	
(e) Administrative Services Program .....	3,782,197

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$256,665.

#### SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund .....	97,118,850	
For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.		
(2) Special Mental Health Trust Fund—Community Programs ..	14,477,283	
(3) Transfer from ABC Profits ..	1,000,000	
(4) Cigarette Tax—\$.01 .....	930,000	
(5) Cigarette Tax—\$.02 .....	4,825,000	
(6) Federal, Local and Miscellaneous Funds .....	<u>52,018,135</u>	
Total Department of Mental Health .....	<u>170,369,268</u>	<u>170,369,268</u>

In addition to the above appropriation there is hereby appropriated \$14,787,525 to the Department of Mental Health to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriations, there is hereby appropriated \$5,659,265 to the Department of Mental Health to be conditional on the availability of funds enumerated in the Source of Funds numbered one (1) through five (5) above on lines seven (7) through twenty (20) and upon the approval of the Governor.

It is the intent of the Legislature that the Governor shall not release more than a total of \$14,787,525 in conditional appropriations to the Department of Mental Health from any source.

67. Military Department:

(a) Military Operations Program	4,766,824
(b) Capital Outlay .....	902,997

SOURCE OF FUNDS:

(1) State General Fund— Operations .....	1,393,266	
(2) State General Fund— Quar- terly Allowances Head- quarters—Regular Allowance Units to be used solely for operat- ing expenses; provided, that no more than \$4,500 shall be allot- ted in any fiscal year for the Ala- bama National Guard Head- quarters .....	1,031,000	
(3) State General Fund— Transfer—Capital Outlay for Architect and Engineering Ser- vices and specifications and con- struction of facilities .....	902,997	
(4) State General Fund—Active Military Service .....	130,628	
(5) State General Fund—Transfer to Armory Commission .....	2,201,930	
(6) State General Fund—Dropping Allowance .....	<u>10,000</u>	
Total Military Department .....	<u>5,669,821</u>	<u>5,669,821</u>

68. Armory Commission of Ala-  
bama:

(a) Military Operations Program	3,321,606
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SOURCE OF FUNDS:

(1) Transfer from Military De- partment .....	2,201,930
(2) Federal, Local and Miscellane- ous Funds .....	1,119,676

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Ala- bama .....	<u>3,321,606</u>	<u>3,321,606</u>
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69. Nursing Home Adminis-  
trators, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program .....	31,000
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## SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund ...	31,000	
As provided in Title 34, Chapter 20, 1975 Code of Alabama.		
Total Board of Examiners of Nurs- ing Home Administrators .....	<u>31,000</u>	<u>31,000</u>

## 70. Oil and Gas Board:

(a) Management and Regulation of Oil and Gas Exploration and De- velopment Program .....	1,312,560
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,312,560</u>	
Total Oil and Gas Board .....	<u>1,312,560</u>	<u>1,312,560</u>

## 71. Pardons and Paroles, Board of:

(a) Administration of Pardons and Paroles Program .....	7,662,315
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The appropriation to the Board of  
Pardons and Paroles shall in-  
clude a transfer to the State Per-  
sonnel Department of \$10,171.

## SOURCE OF FUNDS:

(1) State General Fund .....	6,294,488	
(2) Probationers Upkeep Fund ..	1,263,488	
(3) Federal, Local and Miscellane- ous Funds .....	<u>104,339</u>	
Total Board of Pardons and Paroles	<u>6,294,488</u>	<u>1,367,827</u>
		<u>7,662,315</u>

72. Peace Officers' Annuity and  
Benefit Fund, Alabama:

(a) Retirement System Program .	188,800
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## SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama .....	<u>188,800</u>	
Total Alabama Peace Officers' An- nuity and Benefit Fund .....	<u>188,800</u>	<u>188,800</u>

## 73. Pensions and Security:

(a) Economic Assistance Program	154,452,009
(b) Social Services Program .....	83,007,087



Of the above appropriation, foster parents shall receive monthly payments for the care of children at the following rates based on the ages of the children: 0-2 years, \$153; 3-5 years, \$162; 6-12 years, \$171; and 13 years and over, \$180. Of the above appropriation, at least \$10,000,000 shall be dedicated to the foster care program. The appropriation to Pensions Security shall include a transfer to the State Personnel Department of \$217,952.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,419,336		
(2) Federal, Local and Misc. Funds		162,356,334	
(3) ABC Profits .....		1,931,457	
(4) Whiskey Tax .....		19,560,705	
(5) Beer Tax .....		7,597,000	
(6) Pension Residue .....		8,990,000	
(7) Sales Tax .....		1,322,000	
(8) Franchise Tax .....		9,720,000	
(9) Contracts, Service Fees .....		200,000	
(10) Child Support Collections ..		1,900,000	
(11) Sales Tax for Food Stamps ..		14,000,000	
(12) Cigarette Tax .....		4,200,000	
(13) Contractor's Gross Receipts Tax .....		3,260,164	
(14) Pension Fund .....		<u>2,100</u>	
Total Pensions and Security .....	<u>2,419,336</u>	<u>235,039,760</u>	237,459,096

In addition to the above appropriation, there is hereby appropriated \$6,314,000 to the Department of Pensions and Security to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriations, there is hereby appropriated \$6,314,000 to the Department of Pensions and Security to be conditional upon the availability of funds enumerated in the Sources of Funds numbered three (3) through fourteen (14) above on lines four (4) through fifteen (15) and upon the approval of the Governor.

It is the intent of the Legislature that the Governor shall not release more than a total of \$6,314,000 in conditional appropriations to the Department of Pensions and Security from any source.

In the event of the passage of Senate Bill 24 or its companion House Bill 67 of the 1982 Regular Session, the Governor is authorized to release sufficient funds from the above conditional appropriations to provide child restraints to foster parents.

74. Personnel Department, State:

(a) Administrative Support Program .....	1,464,883
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	130,397
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(2) Transfer from Department of Aeronautics .....	266
(3) Transfer from Commission on Aging .....	852
(4) Transfer from Agriculture and Industries .....	22,897
(5) Transfer from Agricultural Center Board .....	692
(6) Transfer from Alcoholic Beverage Control Board .....	61,344
(7) Transfer from Board of Registration for Architects .....	106
(8) Transfer from State Arts Council .....	532
(9) Transfer from State Banking Dept. ....	2,449
(10) Transfer from Finance—Alabama Building Authority ..	1,917
(11) Transfer from Finance—Alabama Building Finance Authority .....	1,651
(12) Transfer from Building Commission .....	373
(13) Transfer from Civil Defense Dept. ....	1,438
(14) Transfer from Coastal Area Board .....	373
(15) Transfer from Conservation Dept. ....	29,926
(16) Transfer from State Licensing Board for General Contractors .	319
(17) Transfer from Board of Corrections .....	68,053
(18) Transfer from Board of Cosmetology .....	479
(19) Transfer from Criminal Justice Information Center .....	2,662
(20) Transfer from Alabama Dairy Commission .....	532
(21) Transfer from Alabama Development Office .....	1,757
(22) Transfer from State Docks ..	31,577
(23) Transfer from Education ...	72,952
(24) Transfer from Department of Energy .....	1,438
(25) Transfer from Board of Registration for Professional Engineers and Land Surveyors ...	266

(26) Transfer from Firefighters Personnel Standards and Education Commission .....	213
(27) Transfer from Department of Forensic Sciences .....	4,260
(28) Transfer from Forestry Commission .....	24,495
(29) Transfer from Geological Survey .....	3,940
(30) Transfer from Health Department .....	102,932
(31) Transfer from State Health Planning and Development Agency .....	1,384
(32) Transfer from Highway Department .....	183,819
(33) Transfer from Highway and Traffic Safety .....	532
(34) Transfer from Alabama Historical Commission .....	1,704
(35) Transfer from Industrial Relations .....	105,328
(36) Transfer from Insurance Department .....	3,088
(37) Transfer from Law Enforcement Planning Agency .....	958
(38) Transfer from Legislative Reference Service .....	1,118
(39) Transfer from Liquefied Petroleum Gas Board .....	266
(40) Transfer from Alabama Medicaid Agency .....	11,182
(41) Transfer from Department of Mental Health .....	256,665
(42) Transfer from Board of Nursing .....	639
(43) Transfer from Pardons and Paroles Board .....	10,171
(44) Transfer from Peace Officers' Standards and Training Commission .....	160
(45) Transfer from Pensions and Security .....	217,952
(46) Transfer from Physical Fitness Commission .....	213
(47) Transfer from Board of Physical Therapy .....	53
(48) Transfer from Office of State Planning and Federal Programs .....	3,088

(49) Transfer from Public Library Service .....		3,088	
(50) Transfer from Public Service Commission .....		5,804	
(51) Transfer from Publicity and Information .....		3,195	
(52) Transfer from Alabama Public Television Network .....		4,260	
(53) Transfer from Real Estate Commission .....		852	
(54) Transfer from Retirement Systems .....		4,526	
(55) Transfer from Department of Revenue .....		53,303	
(56) Transfer from Board of Social Work Examiners .....		53	
(57) Transfer from Surface Mining Reclamation Commission .....		2,183	
(58) Transfer from Department of Youth Services .....		18,211	
Total State Personnel Department	130,397	1,334,486	1,464,883

## 75. Physical Therapy, Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	29,453
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The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$53.

## SOURCE OF FUNDS:

(1) Physical Therapist Fund ....	29,453	
As provided in Title 34, Chapter 24, Article 5, 1975 Code of Alabama.		
Total Board of Physical Therapy .	29,453	29,453

## 76. Planning and Federal Programs, Office of State:

(a) State Planning Program .....	36,987,960
(b) State Planning Program—Special Projects .....	500,000
(c) Special Services Program ....	5,495,643
(d) Regional Planning Commission Program .....	332,750

The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,843,053		
(2) Federal, Local and Miscellaneous Funds .....		<u>40,473,300</u>	
Total Office of State Planning and Federal Programs .....	<u>2,843,053</u>	<u>40,473,300</u>	<u>43,316,353</u>

77. Polygraph Examiners, Board of:

(a) Professional and Occupational Licensing and Regulation Program .....			14,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund .....	14,000		
As provided in Title 34, Chapter 25, 1975 Code of Alabama as amended by Act No. 81-222.			
Total Board of Polygraph Examiners .....	<u>14,000</u>		<u>14,000</u>

78. Prosecution Services, Office of:

(a) Prosecution, Training, Education and Management Program			471,570
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SOURCE OF FUNDS:

(1) Office of Prosecution Services Fund .....	<u>471,570</u>		
Total Office of Prosecution Services .....	<u>471,570</u>		<u>471,570</u>

79. Psychology, Alabama Board of Examiners In:

(a) Professional and Occupational Licensing and Regulation Program .....			22,700
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SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund .....	22,700		
As provided in Title 34, Chapter 26, 1975 Code of Alabama.			
Total Alabama Board of Examiners in Psychology .....	<u>22,700</u>		<u>22,700</u>

80. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program .....			18,194,267
(b) Criminal Investigation Program .....			3,770,614

(c) Driver's Licensing and Improvement Program .....	7,351,442
(d) Public Safety Support Services Program .....	7,677,275
(e) Administrative Service Program .....	1,964,536
(f) Alabama Criminal Justice Training Center Program .....	1,614,793
(g) Capital Outlay .....	520,265

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>41,093,192</u>	
Total Department of Public Safety .....	<u>41,093,192</u>	<u>41,093,192</u>

## 81. Public Service Commission:

(a) Administrative Services Program .....	820,000
(b) Regulatory Program .....	3,868,550

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$5,804.

## SOURCE OF FUNDS:

(1) Public Service Commission Fund .....	4,688,550
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.

Total Public Service Commission .....	<u>4,688,550</u>	<u>4,688,550</u>
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## 82. Publicity and Information, Bureau of:

(a) Tourism and Travel Promotion Program .....	2,252,385
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The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$3,195.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	502,385		
Of this amount, \$6,000 is earmarked for the purpose of purchasing state flags to be distributed by the members of the Legislature.			
(2) Lodgings Tax (1¢) .....		1,750,000	
Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.			
Total Bureau of Publicity and Information .....	502,385	1,750,000	2,252,385
83. Real Estate Commission, Alabama:			
(a) Professional and Occupational Licensing and Regulation Program .....			627,617
The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$852.			

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund—as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated .....		627,617	
Total Alabama Real Estate Commission .....		627,617	627,617

84. Revenue Department:

(a) State Revenue Administration Program .....			29,750,000
The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$53,303.			

SOURCE OF FUNDS:

(1) State General Fund—Transfer as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments ...	250,000		
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama .....		398,242	

(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections .....	310,041
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections .....	208,476
(5) Transfer from the gross proceeds of Gasoline Tax Collections .....	2,068,723
(6) Transfer from the Income Tax Collections .....	6,906,435
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections .....	1,194,727
(8) Transfer from the gross proceeds of Motor Vehicle License Collections .....	1,208,092
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....	368,843
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax .....	911,414
(11) Transfer from the gross proceeds of Sales Tax Collections ..	9,627,313
(12) Transfer from the gross proceeds of the Tobacco Tax Collections .....	1,969,831
(13) Transfer from the gross proceeds of Use Tax Collections ..	940,815
(14) Transfer from the gross proceeds of the Utility Tax Collections—as provided in Title 40, Chapter 21, 1975 Code of Alabama .....	614,737
(15) Local Funds .....	2,772,311

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of



Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department .....	250,000	29,500,000	29,750,000
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85. Revenue—Auto Title and Antitheft:

(a) State Revenue Administration Program .....			1,051,452
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SOURCE OF FUNDS:

(1) State General Fund—Transfer .....	1,051,452		
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Total Revenue—Auto Title and Antitheft .....	1,051,452		1,051,452
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86. Revenue—Boards of Equalization:

(a) State Revenue Administration Program .....			135,532
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SOURCE OF FUNDS:

(1) State General Fund .....	135,532		
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Total Revenue—Boards of Equalization .....	135,532		135,532
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87. Revenue—Motor Vehicle License:

(a) State Revenue Administration Program .....			2,145,200
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SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags ..		2,145,200	
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Total Revenue—Motor Vehicle License .....		2,145,200	2,145,200
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88. Richmond P. Hobson Memorial Board—Alabama Historical Commission:

(a) Historical Resources Management Program .....			107,052
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SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an additional amount .....	7,052		
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(2) Federal, Local and Miscellaneous Funds .....		100,000	
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Total Alabama Historical Commission—Richmond P. Hobson Memorial Board .....	7,052	100,000	107,052
89. Secretary of State:			
(a) Administrative Support Services Program .....			626,357
SOURCE OF FUNDS:			
(1) State General Fund .....	626,357		
Total Secretary of State .....	626,357		626,357
90. Securities Commission:			
(a) Regulatory Services Program .....			704,007
SOURCE OF FUNDS:			
(1) State General Fund .....	471,113		
(2) Industrial Development Bond Notification Fund .....		139,602	
(3) Sales of Checks License Fund .....		8,000	
(4) Exemption Fund .....		85,292	
Total Securities Commission ....	471,113	232,894	704,007
91. Social Work Examiners, Alabama State Board of:			
(a) Professional and Occupational Licensing and Regulation Program .....			45,667
The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$53.			
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund—as provided in Title 34, Chapter 30, 1975 Code of Alabama .....		45,667	
Total Alabama State Board of Social Work Examiners .....		45,667	45,667
92. Soil and Water Conservation Committee, Alabama State:			
(a) Water Resource Development Program .....			696,224
(b) Catfish Farming and Disease Control Methods .....			200,000
SOURCE OF FUNDS:			
(1) State General Fund .....	886,224		

(2) Federal, Local and Miscellaneous Funds .....

10,000

Total Alabama State Soil and Water Conservation Committee

886,224

10,000

896,224

In addition to the above appropriation to the Soil and Water Conservation Committee, there is hereby appropriated the amount of \$390,000 to accelerate the development of the fish farming industry in Alabama to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

93. Southern Growth Policies Board:

(a) Special Services Program ....

25,300

SOURCE OF FUNDS:

(1) State General Fund .....

25,300

Total Southern Growth Policies Board .....

25,300

25,300

94. Space Science Exhibit Commission, Alabama:

(a) Tourism and Travel Promotion Program .....

356,000

SOURCE OF FUNDS:

(1) State General Fund—Capital Outlay .....

356,000

Total Alabama Space Science Exhibit Commission .....

356,000

356,000

95. Speech Pathology and Audiology, Alabama Board of Examiners for:

(a) Professional and Occupational Licensing and Regulation Program .....

16,000

SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund—as provided in Title 34, Chapter 28A, 1975 Code of Alabama .....

16,000

Total Alabama Board of Examiners for Speech Pathology and Audiology .....

16,000

16,000

96. Surface Mining Reclamation  
Commission:

- |  |           |
|--|-----------|
| (a) Industrial Safety and Accident<br>Prevention Program ..... | 2,816,283 |
|--|-----------|

The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of \$2,183.

## SOURCE OF FUNDS:

- |  |                  |                  |
|--|------------------|------------------|
| (1) Surface Mining Reclamation Commission Fund—as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission. .... | <u>2,816,283</u> |                  |
| Total Surface Mining Reclamation Commission .....  | <u>2,816,283</u> | <u>2,816,283</u> |

97. Tannehill Historical State  
Park:

- |   |         |
|---|---------|
| (a) Historical Resources Management Program ..... | 597,700 |
|---|---------|

## SOURCE OF FUNDS:

- |  |                |                |
|--|----------------|----------------|
| (1) State General Fund .....                     | 250,000        |                |
| (2) Federal, Local and Miscellaneous Funds ..... | <u>347,700</u> |                |
| Total Tannehill Historical State Park .....      | <u>250,000</u> | <u>347,700</u> |
|  |                | <u>597,700</u> |

98. Tennessee Tombigbee Water-  
way Development Authority:

- |  |         |
|--|---------|
| (a) Water Resource Development Program ..... | 476,339 |
|--|---------|

## SOURCE OF FUNDS:

- |  |         |                |
|--|---------|----------------|
| (1) State General Fund .....   | 165,000 |                |
| As provided in Title 33, Chapter 8, 1975 Code of Alabama as amended. |         |                |
| (2) Federal, Local and Miscellaneous Funds .....                     |         | <u>311,339</u> |

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Total Tennessee-Tombigbee Waterway Development Authority .....	165,000	311,339	476,339
99. Treasurer, State:			
(a) Fiscal Management Program .....			1,197,984
SOURCE OF FUNDS:			
(1) State General Fund .....	1,197,984		
Total State Treasurer .....	1,197,984		1,197,984
In addition to the above appropriation to the State Treasurer, there is hereby appropriated \$200,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.			
100. Uniform State Laws, Commission on:			
(a) Special Services Program ....			4,147
SOURCE OF FUNDS:			
(1) State General Fund .....	4,147		
As provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama.			
Total Commission on Uniform State Laws .....	4,147		4,147
101. Veterans Affairs, Department of:			
(a) Administration of Veterans Affairs Program .....			2,592,790
SOURCE OF FUNDS:			
(1) State General Fund .....	2,592,790		
Total Department of Veterans Affairs .....	2,592,790		2,592,790
102. Veterinary Medical Examiners, Alabama State Board of:			
(a) Professional and Occupational Licensing and Regulation Program .....			30,000
SOURCE OF FUNDS:			
(1) State Board of Veterinary Medical Examiners Fund .....		30,000	
As provided in Title 34, Chapter 29, 1975 Code of Alabama.			
Total Alabama State Board of Veterinary Medical Examiners ...		30,000	30,000

## 103. Water and Waste Water Systems Personnel, Board of Certification For:

- (a) Professional and Occupational Licensing and Regulation Program .....

15,954

## SOURCE OF FUNDS:

- (1) Operators and Certification Fund .....

15,954

As provided in Title 22, Chapter 25, 1975 Code of Alabama.

Total Board of Certification for Water and Waste Water Systems Personnel .....

15,954

15,954

## 104. Water Well Standards Board, Alabama:

- (a) Professional and Occupational Licensing and Regulation Program .....

41,000

## SOURCE OF FUNDS:

- (1) Well Digger's Licensing Fund .....

41,000

As provided in Title 22, Chapter 24, 1975 Code of Alabama.

Total Alabama Water Well Standards Board .....

41,000

41,000

## 105. Women's Commission, Alabama:

- (a) Employment and Social Opportunities Program .....

9,000

## SOURCE OF FUNDS:

- (1) State General Fund .....

9,000

Total Alabama Women's Commission .....

9,000

9,000

## 106. Women's Hall of Fame, Alabama:

- (a) Historical Resources Management Program .....

12,000

## SOURCE OF FUNDS:

- (1) State General Fund .....

12,000

Total Alabama Women's Hall of Fame .....

12,000

12,000

## 107. State Department of Education:

- (a) Library Instructional Materials .....

2,494,131

To be distributed to all public elementary and secondary schools and all two-year post-secondary institutions under jurisdiction of the State Board of Education by an equal amount per student enrolled.

SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,494,131</u>	
Total State Dept. of Education ..	<u>2,494,131</u>	<u>2,494,131</u>

108. Department of Youth Services:

(a) Youth Services Program .....		13,239,813
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$18,211.

SOURCE OF FUNDS:

(1) State General Fund .....	12,159,265		
(2) Federal and Local Funds ....		<u>1,080,548</u>	
Total Department of Youth Services .....	<u>12,159,265</u>	<u>1,080,548</u>	<u>13,239,813</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session.)

The above appropriation to the Department of Youth Services is to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

109. Library Service, Alabama Public:

(a) Public Library Service Program .....		270,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>270,000</u>	
Total Alabama Public Library Service .....	<u>270,000</u>	<u>270,000</u>

110 .Fort Toulouse-Alabama Historical Commission:

(a) Historical Resources Management Program .....		25,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>25,000</u>
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Total Alabama Historical Commission-Fort Toulouse ....	25,000	25,000
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# 111. Department of Finance- Telephone Revolving Fund:

There is hereby appropriated  
\$1,500,000 to the Telephone Re-  
volving Fund to be conditioned  
upon the availability of funds in  
the State General Fund and the  
approval of the Governor.

The Adoption of the above suggested Executive Amendment will remove  
my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

## GOVERNOR'S MESSAGE

Rep. Owens offered the motion that the House concur in and adopt the  
amendment proposed by His Excellency, the Governor, to the bill, H. 151,  
said Executive Amendment being set out in the above and foregoing Message  
from the Governor.

## SUBSTITUTE MOTION OFFERED

Rep. Wyatt offered the substitute motion to postpone the bill, H. 151  
with Executive amendment, for fifteen minutes.

## MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the substitute motion to  
postpone offered by Rep. Wyatt, was lost.

Yeas 10; Nays 78.

*Yeas:*

Reps. Adams (C), Cabaniss, Cheatwood, Clark (G), Manley, Minus, Owens,  
Patton, Roberts and Sasser.

—10

*Nays:*

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Boles, Bowling,  
Brakefield, Buskey, Campbell, Carter, Cates, Cobb, Coburn, Cooley, Cosby,  
Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin,  
Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey,  
Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy),  
Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Mitchell, Moore,  
Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed,  
Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M),  
Starkey, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren,  
Whitley, Willis, Wyatt and Zoghby.

—78



SUBSTITUTE MOTION ADOPTED

The question was then on the adoption of the substitute motion offered by Rep. Wyatt to temporarily postpone the bill, H. 151 with Executive amendment, for fifteen minutes, and the substitute motion was adopted.

Yeas 85; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Boles, Bowling, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—85

*Nays:* Reps. Patton and Roberts.

—2

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Biddle offered the motion to reconsider the vote by which the House non-concurred in the Senate amendment to the bill, H. 246, and requested a Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment to the bill, H. 246, and the motion to reconsider was adopted.

Yeas 34; Nays 5.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Biddle, Cabaniss, Campbell, Carter, Clark (G), Crow, Dial, Gafford, Gilmer, Hall, Hammett, Harper (O), Horn, Howard, Kelley, Lewis, Minus, Moore, Penry, Ray, Reed, Seibels, Shoemaker, Smith (C), Smith (J), Trammell, Turnham, Venable and Zoghby.

—34

*Nays:* Reps. Cosby, Holley, McMillan, Parker and Stewart.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was again on the Senate amendment to the bill, H. 246.

MOTION TO CONCUR LOST

The motion offered by Rep. Adams (H) that the House concur in and adopt the Senate amendment to the bill, H. 246, was lost.

Yeas 21; Nays 36.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Carter, Cooley, Drinkard, Edwards, Ford, Gregg, Grouby, Harvey, Howard, Kelley, Manley, Minus, Rains, Reed and Waggoner.

—21

*Nays:*

Reps. Bedsole, Brakefield, Cheatwood, Coburn, Daniels, Dixon, Escott, Gafford, Gilmer, Grimsley, Harper (T), Harrison, Higginbotham, Holley, Horn, Johnson (Roy), Kennedy, Laird, McKee, McMillan, Moore, Nevett, Olive, Parker, Payne, Penry, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Warren and Zoghby.

—36

### PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Stewart did not vote on the Senate amendment to the bill, H. 246, due to conflict of interest.

### RESOLUTION

The following resolution was introduced:

By Reps. Patton and Roberts:

H. J. R. 430. DESIGNATING ACT NO. 82-328, H. B. 300, OF THE 1982 REGULAR SESSION, "THE CAROTHERS-MARTIN BILL"

WHEREAS, Representative Joe Carothers of Houston County and Senator Charles Martin of Morgan County worked diligently to promote and pass Act No. 82-328, H. B. 300 relating to the Southeast Interstate Low-Level Radioactive Waste Compact; and

WHEREAS, Representative Carothers and Senator Martin realize that this is a subject that is vitally important to all of us; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 82-328, H. B. 300 of the 1982 Regular Session, which has passed both houses, be designated and known as the "Carothers-Martin Bill."

On motion of Rep. Patton, the rules were suspended and the resolution, H. J. R. 430, was adopted.

### MOTION TO SUSPEND RULES

Rep. Holley offered the motion to suspend the rules and take up out of order the bill, S. 195.

### SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Gafford to suspend the rules in order to take up out of order the bill, S. 322, was lost.

Yeas 34; Nays 34.

*Yeas:*

Mr. Speaker, Boles, Brakefield, Carter, Cheatwood, Cooley, Crow, Drinkard, Ford, Gilmer, Goodwin, Grouby, Harrison, Harvey, Higginbotham, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Minus, Moore, Naramore, Rains, Reed, Shavers, Starkey, Stout, Trammell, Turner, Warren, Wyatt.

—34

*Nays:*

Reps. Adams (C), Barton, Biddle, Bowling, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Daniels, Dial, Dixon, Escott, Gafford, Grimsley, Hines, Kelley, McKee, McMillan, Manley, Nevett, Olive, Parker, Payne, Penry, Sandusky, Seibels, Stewart, Turnham, Venable, Waggoner, Ward, Williams and Zoghby.

—34

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Bennett to suspend the rules in order to take up out of order the bill, S. 198, was lost.

Yeas 27; Nays 31.

*Yeas:*

Reps. Amari, Bennett, Carothers, Cheatwood, Crow, Daniels, Dixon, Edwards, Escott, Goodwin, Grimsley, Harper (O), Higginbotham, Johnson (Roy), Kennedy, McMillan, Nevett, Penry, Reed, Smith (J), Starkey, Turner, Turnham, Waggoner, Ward, Warren and Williams.

—27

*Nays:*

Mr. Speaker, Albright, Bedsole, Bowling, Cooley, Drinkard, Ford, Gilmer, Gregg, Hall, Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, McKee, Manley, Minus, Olive, Parker, Rains, Sandusky, Seibels, Shavers, Shoemaker, Stewart, Stout, Venable, Whatley, Wyatt and Zoghby.

—31

#### SPECIAL ORDER RESUMED

And the bill:

S. 110. (With Amendment): Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend S. B. 110, as substituted, on Page 2, Line 13, by inserting after the word "compensation," the words "the legislature may not decrease the salaries of such officials".

And the amendment was adopted.

Yeas 52; Nays 3.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Bowling, Brakefield, Carothers, Carter, Cheatwood, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Hines, Holmes, Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Reed, Riddick, Sandusky, Seibels, Smith (J), Stewart, Trammell, Turner, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—52

*Nays:* Reps. Holley, Howard and Rains.

—3

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 502. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Weeks, Teague (J), and Higginbotham.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Ray, the House acceded to the request of the Senate for a Committee on Conference to resolve the differences between the two Houses on the House amendment to the bill, S. 502.

Yeas 43; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Bowling, Brakefield, Buskey, Carter, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Escott, Gilmer, Grouby, Hall, Harper (O), Harvey, Holley, Howard, Kennedy, McKee, McMillan, Naramore, Olive, Parker, Payne, Rains, Ray, Reed, Sandusky, Seibels, Smith (C), Stewart, Trammell, Turner, Ward, Warren, Whatley and Willis.

—43

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House on S. 502, Reps. Ray, Ward and Edwards.

S. 110 RESUMED

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, S. 110 as amended:

Amend S. B. 110 as substituted on Page 1, Line 27, by inserting after the word "general" the words "or local".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Bowling, Cabaniss, Carothers, Carter, Cheatwood, Coburn, Cooley, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harvey, Hines, Holmes, Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Patton, Payne, Reed, Riddick, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Warren, Whatley, Williams and Zoghby.

—54

*Nays:* Reps. Cosby, Harrison, Holley, Howard, Olive and Rains.

—6

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, S. 110 as amended:

Amend S. 110 in the Synopsis on Page 1, line 11 after the word "state," add: providing for the combining or abolishing of said offices,.

Further amend the bill on Page 1, line 20, by removing the period and adding: , and providing for the combining or abolishing of said offices.

Further amend the bill on Page 2, line 15, by inserting the following sentence: "The legislature may by local act provide for the abolishment, combination or other alteration of the offices of tax assessor, tax collector or license commissioner with approval of a majority of voters in the county affected.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Carothers, Carter, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels,

Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Penry, Reed, Riddick, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Zoghby.

—70

*Nay:* Rep. Rains.

—1

And the bill, S. 110 as amended, was read a third time at length and passed.

Yeas 64; Nays 11.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cobb, Coburn, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harvey, Higginbotham, Hines, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Patton, Penry, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—64

*Nays:*

Reps. Cooley, Cosby, Harrison, Holley, Howard, Laird, McKee, Olive, Pegues, Smith (C) and Smith (J).

—11

And the bill:

S. 179. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State enacted during the 1981 Regular Session of the legislature as contained in the 1981 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 the Alabama Business Corporation Act of 1980 as contained in Chapter 2A of Title 10 of the 1980 Replacement Volume 7 of the Code of the 1981 Cumulative Supplement thereto, and to make certain corrections in Chapter 2A of Title 10 of such Volume 7.

Was read a third time at length and passed.

Yeas 86; Nays 0.

*Nays:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Boles, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell,

Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—86

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Daniels to suspend the rules in order to take up out of order the bill, S. 244, was lost, lacking a four-fifths vote.

Yeas 33; Nays 16.

*Yeas:*

Reps. Adams (C), Buskey, Carothers, Carter, Cheatwood, Cobb, Cooley, Crow, Daniels, Dixon, Edwards, Grouby, Harper (O), Holley, Holmes, Johnson (Roy), Kennedy, Langford, McMillan, Mitchell, Payne, Penry, Rains, Ray, Reed, Smith (C), Smith (J), Trammell, Turner, Turnham, Warren, Williams and Wyatt.

—33

*Nays:*

Reps. Barton, Bedsole, Clark (G), Ford, Gilmer, Hall, Harrison, Hines, Howard, Johnson (R. G.), McKee, Manley, Olive, Parker, Pegues and Stewart.

—16

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### SPECIAL ORDER RESUMED

And the bill:

S. 333. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

Was read a third time at length and passed.

Yeas 66; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Carter, Clark (G), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McMillan, Minus, Mitchell, Naramore, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—66

*Nays:* Reps. Holley and Howard.

—2

And the bill:

S. 82. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the State Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

Was read a third time at length and passed.

Yeas 58; Nays 3.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grouby, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Patton, Penry, Rains, Ray, Reed, Riddick, Sasser, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—58

*Nays:* Reps. Howard, Manley and Olive.

—3

#### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Substitute Message from the Governor returning House Bill, No. 151 as amended without the Governor's signature and approval.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 26th day of April, 1982.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 151 as substituted and amended, without my signature and approval and with the following suggested Executive Amendment:



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Deleting Sections 2-A, 2-B, 2-C, and Section 2-D-4 lines 10 through 23 in their entirety inserting in lieu thereof the following new Sections 2-A, 2-B, and 2-C:

2A. Legislative:

1. Examiners of Public Accounts,  
Department of:

(a) Legislative Support-Audit Services Program .....	3,607,234
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SOURCE OF FUNDS:

(1) State General Fund .....	3,607,234	
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Total Department of Examiners of Public Accounts .....	3,607,234	3,607,234
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In addition to the above appropriation, there is hereby appropriated \$1,550,000 to the Department of Examiners of Public Accounts to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

2. Legislative Council:

(a) Legislative Operations and Support Program .....	130,000
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(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)

SOURCE OF FUNDS:

(1) State General Fund .....	130,000	
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Total Legislative Council .....	130,000	130,000
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3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program .....	446,676
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SOURCE OF FUNDS:

(1) State General Fund .....	446,676	
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Total Legislative Fiscal Office ...	446,676	446,676
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4. Legislative Reference Service:

(a) Legislative Operations and Support Program .....	793,662
--	---------

The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$1,118.

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>793,662</u>	
Total Legislative Reference Service .....	<u>793,662</u>	<u>793,662</u>

## 5. Legislature:

(a) Senate Operations and Support Program .....		1,214,495
(b) House Operations and Support Program .....		1,821,743

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>3,036,238</u>	
Total Legislature .....	<u>3,036,238</u>	<u>3,036,238</u>

## 6. Legislatures, National Conference of State:

(a) Legislative Operations and Support Program .....		54,365
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>54,365</u>	
Total National Conference of State Legislatures .....	<u>54,365</u>	<u>54,365</u>

## B. JUDICIAL:

## 1. Court of Civil Appeals:

(a) Court Operations Program ..		751,613
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>751,613</u>	
Total Court of Civil Appeals ....	<u>751,613</u>	<u>751,613</u>

In addition to the above appropriation, there is hereby appropriated \$23,208 to the Court of Civil Appeals to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

## 2. Court of Criminal Appeals:

(a) Court Operations Program ..		1,109,765
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,109,765</u>	
Total Court of Criminal Appeals .	<u>1,109,765</u>	<u>1,109,765</u>

In addition to the above appropriation, there is hereby appropriated \$31,328 to the Court of

Criminal Appeals to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

3. Judicial Inquiry Commission:

(a) Administrative Services Program .....	73,511
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>73,511</u>	
Total Judicial Inquiry Commission	<u>73,511</u>	<u>73,511</u>

4. Judicial Retirement System:

(a) Retirement Systems Program	1,053,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,053,000</u>	
Total Judicial Retirement System	<u>1,053,000</u>	<u>1,053,000</u>

5. Supreme Court:

(a) Court Operations Program ..	2,972,000
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SOURCE OF FUNDS:

(1) State General Fund .....	2,958,000	
(2) Federal, Local and Miscellaneous Funds .....		<u>14,000</u>
Total Supreme Court .....	<u>2,958,000</u>	<u>14,000</u> <u>2,972,000</u>

In addition to the above appropriation there is hereby appropriated \$55,105 to the Supreme Court to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

6. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program ..	42,980,608
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(b) Administrative Services Program .....	3,567,259
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>46,547,867</u>	
Total Unified Judicial System ...	<u>46,547,867</u>	<u>46,547,867</u>

In addition to the above appropriation, there is hereby appropriated \$2,174,632 to the Unified Judicial System to be conditioned

on the availability of funds in the State General Fund and upon approval of the Governor.

C. EXECUTIVE:

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program .....	1,000
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama .....	1,000
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Total Alabama Academy of Honor .....	1,000	1,000
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2. Accountancy, Alabama State Board of Public:

(a) Professional and Occupational Licensing and Regulation Program .....	187,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund .....	187,000
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As provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama.

In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy .....	187,000	187,000
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3. Adjustment, Board of:

(a) Special Services Program ....	165,000
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SOURCE OF FUNDS:

(1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama .....	15,000
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(2) State General Fund for expenditures as provided in Title 31, Chapter 3 and Title 36, Chapter	
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30, Article 1, 1975 Code of Alabama, Estimated .....	150,000	
Total Board of Adjustment .....	<u>165,000</u>	<u>165,000</u>

4. Aeronautics, Department of:

(a) Airport Development and Aeronautical Support Program	625,387
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The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of \$266.

SOURCE OF FUNDS:

(1) Airport Development Fund ..	625,387
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As provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama.

Total Department of Aeronautics	<u>625,387</u>	<u>625,387</u>
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5. Aging, Commission:

(a) Planning and Advocacy for Elderly Program .....	13,474,131
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The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of \$852.

(b) Retired Senior Volunteer Program .....	339,000
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In addition to the programs currently funded by the funds allocated to the Retired Senior Citizens Volunteer Programs, the following programs will receive the same pro rata share of the total appropriation as received by the Retired Senior Citizen's Volunteer Programs; Foster Grandparent Program-Decatur; Foster Grandparent Program-Birmingham; Foster Grandparent Program-Russellville; Foster Grandparent Program-Mobile; and the Senior Companion Program-Mobile.

SOURCE OF FUNDS:

(1) State General Fund Transfer	1,116,748		
(2) Federal, Local and Misc. Funds. ....		<u>12,696,383</u>	
Total Commission on Aging .....	<u>1,116,748</u>	<u>12,696,383</u>	<u>13,813,131</u>

6. Agricultural Center Board:

(a) Agricultural Development Services Program .....	575,193
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The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$692.

SOURCE OF FUNDS:

(1) State General Fund .....	120,000
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For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.

(2) State General Fund Transfer .....	306,993
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(3) Livestock Coliseum Fund ....	<u>148,200</u>
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Total Agricultural Center Board .	<u>426,993</u>	<u>148,200</u>	<u>575,193</u>
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7. Agricultural and Industrial Exhibit Commission, Alabama:

(a) Agricultural Development Services Program .....	31,428
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>31,428</u>
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Total Alabama Agricultural and Industrial Exhibit Commission	<u>31,428</u>	<u>31,428</u>
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8. Agriculture and Industries, Department of:

(a) Administrative Services Program .....	1,128,930
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(b) Agricultural Inspection Services Program .....	10,079,028
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(c) Laboratory Analysis and Disease Control Program .....	3,411,596
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(d) Agricultural Development Services Programs .....	634,426
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The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of \$22,897.

SOURCE OF FUNDS:

(1) State General Fund Transfer .....	6,779,130
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(2) Federal, Local and Miscellaneous Funds .....	2,167,180
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(3) Shipping Point Inspection Fund .....	4,207,020
--	-----------

Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said Fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund .....		<u>2,100,650</u>	
Total Department of Agriculture and Industries .....	<u>6,779,130</u>	<u>8,474,850</u>	<u>15,253,980</u>

In addition to the above appropriation there is hereby appropriated \$2,000,000 to the Department of Agriculture and Industries for Capital Outlay for the Farmer's Market in Montgomery to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

9. Alcoholic Beverage Control Board, Alabama:

(a) Alcoholic Beverage Management Program .....	26,536,720
(b) Licensing, Regulation and Enforcement Program .....	5,742,662
(c) Administrative Services Program .....	4,090,728

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$61,344, and to Mental Health of \$1,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund .....	36,370,110
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided,

however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board .....	<u>36,370,110</u>	<u>36,370,110</u>
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10. Architects, Board for Registration of:

(a) Professional and Occupational Licensing and Regulation Program .....	111,300
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The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$106.

SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 .....	<u>111,300</u>
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Total Board for Registration of Architects .....	<u>111,300</u>	<u>111,300</u>
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11. Archives and History:

(a) Historical Resources Management Program .....	1,018,591
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SOURCE OF FUNDS:

(1) State General Fund .....	1,003,591		
(2) Federal, Local and Miscellaneous Funds .....		<u>15,000</u>	
Total Archives and History .....	<u>1,003,591</u>	<u>15,000</u>	<u>1,018,591</u>

12. Attorney General, Office of The:



(a) Legal Advice and Legal Service Program .....	4,830,052
(b) Fair Marketing Practices Program .....	380,363

SOURCE OF FUNDS:

(1) State General Fund .....	3,897,484		
(2) Transfer from Pensions and Security .....		622,609	
(3) Federal, Local and Miscellaneous Funds .....		<u>690,322</u>	
Total Office of the Attorney General .....	<u>3,897,484</u>	<u>1,312,931</u>	<u>5,210,415</u>

In addition to the above appropriation, there is hereby appropriated \$14,136 to the Attorney General's Office to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

13. Auditor, State:

(a) Fiscal Management Program .....	755,890
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>755,890</u>		
Total State Auditor .....	<u>755,890</u>		<u>755,890</u>

14. Banking Department, State:

(a) Charter, License, and Regulate Financial Institutions Program .....	2,156,850
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The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$2,449.

SOURCE OF FUNDS:

(1) Banking Assessment Fees ... As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.	1,682,338		
(2) Bureau of Credit Unions ... As provided in Title 5, Chapter 2, Article 5, Divisions 1 and 2, 1975 Code of Alabama.	197,267		
(3) Loan Examination Fund ... As provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Ala- bama.	277,245		
Total State Banking Department .....	<u>2,156,850</u>	<u>2,156,850</u>	

15. Bar Association, Alabama  
State:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....			716,385
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## SOURCE OF FUNDS:

(1) State Bar Association Fund, as provided in Title 34, Chapter 3, 1975 Code of Alabama .....		716,385	
Total Alabama State Bar Associa- tion .....		<u>716,385</u>	<u>716,385</u>

16. Bear Creek Development Au-  
thority:

(a) Water Resource Development Program .....			192,918
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## SOURCE OF FUNDS:

(1) State General Fund .....	26,093		
(2) Federal, Local and Miscellane- ous Funds .....		<u>166,825</u>	
Total Bear Creek Development Au- thority .....	<u>26,093</u>	<u>166,825</u>	<u>192,918</u>

## 17. Brierfield Ironworks Park:

(a) Outdoor Recreation Sites and Services Program .....			102,597
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## SOURCE OF FUNDS:

(1) State General Fund .....	25,000		
(2) Federal, Local and Miscellane- ous Funds .....		<u>77,597</u>	
Total Brierfield Ironworks Park ..	<u>25,000</u>	<u>77,597</u>	<u>102,597</u>

## 18. Building Commission:

(a) Special Services Program ....			840,475
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The appropriation to the Building  
Commission shall include a  
transfer to the State Personnel  
Department of \$373.

## SOURCE OF FUNDS:

(1) State General Fund .....	246,273		
(2) Federal, Local and Miscellane- ous Funds .....		<u>594,202</u>	
Total Building Commission .....	<u>246,273</u>	<u>594,202</u>	<u>840,475</u>

## 19. Cahaba-Advisory Committee:

(a) Historical Resources Manage- ment Program .....			25,000
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SOURCE OF FUNDS:

(1) State General Fund .....	25,000	
Total Cahaba Advisory Committee	<u>25,000</u>	<u>25,000</u>

In addition to the above appropriation there is hereby appropriated \$250,000 to the Cahaba-Advisory Committee for capital outlay to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

20. Chiropractic Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	31,500
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama .....	<u>31,500</u>	
Total Alabama State Board of Chiropractic Examiners .....	<u>31,500</u>	<u>31,500</u>

21. Civil Defense, Department of:

(a) Readiness and Recovery Program .....	2,363,377
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The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of \$1,438.

SOURCE OF FUNDS:

(1) State General Fund .....	564,730	
(2) Federal, Local and Miscellaneous Funds .....	<u>1,798,647</u>	
Total Department of Civil Defense	<u>564,730</u>	<u>1,798,647</u>
		<u>2,363,377</u>

22. Coastal Area Board, Alabama:

(a) Coastal Area Management Program .....	704,500
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The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$373.

SOURCE OF FUNDS:

(1) State General Fund Transfer	48,500
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(2) Federal, Local and Miscellaneous Funds .....		656,000	
Total Alabama Coastal Area Board	48,500	656,000	704,500
23. Conservation and Natural Resources, Department of:			
(a) Wildlife and Game Program .			11,626,346
(b) State Land Management Program .....			543,872
(c) Outdoor Recreation Sites and Services Program .....			13,066,850
(d) Administrative Services Program .....			2,184,694
(e) Marine Police Management Program .....			1,698,955
(f) Marine Resources Management Program .....			1,301,507

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses.

The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$29,926.

#### SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,081,290	
(2) Game and Fish Fund .....		11,533,496
(3) State Lands Fund .....		544,206

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund .....	1,302,308	
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at

Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(5) Marine Police Fund .....	1,700,000
(6) State Parks Fund .....	10,674,886

The appropriation to the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion.

(7) Administrative Funds .....	2,186,038
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The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.

(8) Cigarette Tax .....	<u>400,000</u>
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Total Department of Conservation and Natural Resources .....	<u>2,081,290</u>	<u>28,340,934</u>	<u>30,422,224</u>
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In addition to the above appropriation there is hereby appropriated \$2,160,642 to Frank Jackson Park to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

In addition to the above appropriation there is hereby appropriated \$500,000 for the purchase and development of Camp Cosby property for a state park in Jefferson County to be conditional upon the availability of funds in the State General Fund and upon approval of the Governor.

24. Contractors, State Licensing Board for General:

(a) Professional and Occupational Licensing and Regulation Program .....	228,902
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The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$319.

## SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund .....	228,902
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Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors .....	228,902	<u>228,902</u>
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## 25. Corrections, Board of:

(a) Administrative Services and Logistical Support Program ...	10,272,138
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(b) Institutional Services Corrections Program .....	60,987,138
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(c) Correctional Industries Program .....	6,836,131
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The appropriation to the Board of Corrections shall include a transfer to the State Personnel Department of \$68,053.

## SOURCE OF FUNDS:

(1) State General Fund-Transfer	72,627,357
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(2) Federal, Local and Miscellaneous Funds .....	1,968,050
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(3) Board of Corrections Fund ...	3,500,000
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The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections' operations are also hereby appropriated.

Total Board of Corrections .....	72,627,357	5,468,050	<u>78,095,407</u>
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In addition to the above appropriation there is hereby appropriated

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\$5,423,866 to the Board of Corrections to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

26. Cosmetology, Alabama Board of:

- (a) Professional and Occupational Licensing and Regulation Program .....

384,500

The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$479.

SOURCE OF FUNDS:

- (1) Alabama Board of Cosmetology Fund .....

384,500

As provided in Title 34, Chapter 7, 1975 Code of Alabama.

Total Alabama Board of Cosmetology .....

384,500

384,500

27. Counseling, Alabama Board of Examiners in:

- (a) Professional and Occupational Licensing Regulation Program .....

22,000

SOURCE OF FUNDS:

- (1) Alabama Board of Examiners in Counseling Fund .....

22,000

As provided in Title 34, Chapter 8A, 1975 Code of Alabama.

Total Alabama Board of Examiners in Counseling .....

22,000

22,000

28. Criminal Justice Information System, Alabama:

- (a) Criminal Justice Information Services Program .....

2,769,292

The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$2,662.

SOURCE OF FUNDS:

- (1) State General Fund-Transfer 2,285,692

- (2) Federal, Local and Miscellaneous Funds .....

483,600

Total Alabama Criminal Justice Information System .....

2,285,692

483,600

2,769,292

## 29. Dairy Commission, Alabama:

(a) Regulatory Services Program	369,400
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The appropriation to the Alabama Dairy Commission shall include a transfer to the State Personnel Department of \$532.

## SOURCE OF FUNDS:

(1) Alabama Dairy Commission Fund .....	369,400
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As provided in Title 2, Chapter 13, 1975 Code of Alabama.

Total Alabama Dairy Commission	<u>369,400</u>	<u>369,400</u>
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## 30. Development Office, Alabama:

(a) Industrial Development Program .....	2,551,324
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(b) Administrative Services Program-Office of Minority Business .....	160,089
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(c) Alabama Film Commission-Promotional Development Program .....	219,327
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The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$1,757.

## SOURCE OF FUNDS:

(1) State General Fund-Transfer Alabama Development Office ..	2,501,324
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(2) State General Fund-Transfer Office of Minority Business ...	99,694
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(3) State General Fund-Transfer Alabama Film Commission ...	219,327
---	---------

(4) Federal, Local and Miscellaneous Funds .....	<u>110,395</u>
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Total Alabama Development Office .....	<u>2,820,345</u>	<u>110,395</u>	<u>2,930,740</u>
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## 31. District Attorneys:

(a) Court Operations Program ..	8,090,712
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The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys .....	1,592,903
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Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit .....	39,651
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For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit .....	100,251
Salaries and expenses of Supernumerary District Attorneys .....	675,503
For use in the District Attorney's Office of the 1st Judicial Circuit .....	86,459
For use in the District Attorney's Office of the 2nd Judicial Circuit .....	73,891
For use in the District Attorney's Office of the 3rd Judicial Circuit .....	116,313
For use in the District Attorney's Office of the 4th Judicial Circuit .....	326,208
For use in the District Attorney's Office of the 5th Judicial Circuit .....	271,990
For use in the District Attorney's Office of the 6th Judicial Circuit .....	237,527
For use in the District Attorney's Office of the 7th Judicial Circuit .....	141,259
For use in the District Attorney's Office of the 8th Judicial Circuit .....	113,542
For use in the District Attorney's Office of the 9th Judicial Circuit .....	107,538
For use in the District Attorney's Office of the 10th Judicial Circuit .....	364,769
For use in the District Attorney's Office of the 11th Judicial Circuit .....	93,424
For use in the District Attorney's Office of the 12th Judicial Circuit .....	199,282
For use in the District Attorney's Office of the 13th Judicial Circuit .....	350,404
For use in the District Attorney's Office of the 14th Judicial Circuit .....	98,415

For use in the District Attorney's Office of the 15th Judicial Circuit .....	347,587
For use in the District Attorney's Office of the 16th Judicial Cir- cuit .....	158,208
For use in the District Attorney's Office of the 17th Judicial Cir- cuit .....	60,007
For use in the District Attorney's Office of the 18th Judicial Cir- cuit .....	174,985
For use in the District Attorney's Office of the 19th Judicial Cir- cuit .....	103,886
For use in the District Attorney's Office of the 20th Judicial Cir- cuit .....	152,258
For use in the District Attorney's Office of the 21st Judicial Cir- cuit .....	116,047
For use in the District Attorney's Office of the 22nd Judicial Cir- cuit .....	98,500
For use in the District Attorney's Office of the 23rd Judicial Cir- cuit .....	255,215
For use in the District Attorney's Office of the 24th Judicial Cir- cuit .....	92,304
For use in the District Attorney's Office of the 25th Judicial Cir- cuit .....	87,683
For use in the District Attorney's Office of the 26th Judicial Cir- cuit .....	154,781
For use in the District Attorney's Office of the 27th Judicial Cir- cuit .....	117,488
For use in the District Attorney's Office of the 28th Judicial Cir- cuit .....	113,248
For use in the District Attorney's Office of the 29th Judicial Cir- cuit .....	148,426
For use in the District Attorney's Office of the 30th Judicial Cir- cuit .....	149,389
For use in the District Attorney's Office of the 31st Judicial Cir- cuit .....	90,535

For use in the District Attorney's  
Office of the 32nd Judicial Cir-  
cuit .....89,261

For use in the District Attorney's  
Office of the 33rd Judicial Cir-  
cuit .....83,865

For use in the District Attorney's  
Office of the 34th Judicial Cir-  
cuit .....44,864

For use in the District Attorney's  
Office of the 35th Judicial Cir-  
cuit ..... 60,891

For use in the District Attorney's  
Office of the 36th Judicial Cir-  
cuit .....74,353

For use in the District Attorney's  
Office of the 37th Judicial Cir-  
cuit .....99,293

For use in the District Attorney's  
Office of the 38th Judicial Cir-  
cuit .....112,805

For use in the District Attorney's  
Office of the 39th Judicial Cir-  
cuit .....40,504

Appropriations of Salaries of Per-  
sonnel Established by Statute  
are estimated.

Travel Expense of District Attor-  
neys .....75,000  
8,090,712

SOURCE OF FUNDS:

(1) State General Fund ..... 8,090,712

Total District Attorneys ..... 8,090,712 8,090,712

In addition to the above appropria-  
tion, there is hereby appropri-  
ated \$458,408 to the District At-  
torneys to be conditioned on the  
availability of funds in the State  
General Fund and upon approval  
of the Governor.

32. Energy, Department of:

(a) Energy Management Program 6,023,215

The appropriation to the Depart-  
ment of Energy shall include a  
transfer to the State Personnel  
Department of \$1,438.

SOURCE OF FUNDS:

(1) State General Fund-Transfer 623,215

(2) Federal, Local and Miscellaneous Funds .....		<u>5,400,000</u>	
Total Department of Energy ....	<u>623,215</u>	<u>5,400,000</u>	<u>6,023,215</u>

33. Engineers and Land Surveyors, State Board of Registration for Professional:

(a) Professional and Occupational Licensing and Regulation Program .....			251,229
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The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$266.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund		251,229	
As provided in Title 34, Chapter 11, 1975 Code of Alabama as amended and Act No. 1049, 1975 Regular Session.			
Total State Board of Registration for Professional Engineers and Land Surveyors .....		<u>251,229</u>	<u>251,229</u>

34. Ethics Commission, Alabama:

(a) Regulation of Public Officials and Employees Program .....			231,103
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>231,103</u>		
Total Alabama Ethics Commission	<u>231,103</u>		<u>231,103</u>

35. Farmers' Market Authority:

(a) Agricultural Development Services Program .....			165,786
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SOURCE OF FUNDS:

(1) State General Fund-Transfer for Administration .....	85,786		
(2) Farmers' Market Authority Fund-Revenue and Capital Outlay Account .....		<u>80,000</u>	
Total Farmers' Market Authority	<u>85,786</u>	<u>80,000</u>	<u>165,786</u>

In addition to the above appropriation there is hereby appropriated \$250,000 to the Farmers' Market Authority for Capital Outlay and \$150,000 to the Perry County

Farmers' Market Authority for Capital Outlay both to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

36. Finance, Department of:

(a) Fiscal Management Program	2,737,655
(b) Administrative Support Services Program .....	4,292,218

SOURCE OF FUNDS:

(1) State General Fund .....	7,029,873	
Total Department of Finance ....	7,029,873	7,029,873

In addition to the above appropriation to the Department of Finance, there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

37. Finance, Department of-Air Transportation Division:

(a) Administrative Support Services Program .....	2,045,517
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,995,209	
(2) Departmental Receipts .....	50,308	
Total Department of Finance-Air Transportation Division .....	1,995,209	50,308
		2,045,517

38. Forensic Sciences, Department of:

(a) Forensic Science Services Program .....	3,859,571
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The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$4,260.

SOURCE OF FUNDS:

(1) State General Fund .....	3,809,071	
(2) Federal, Local and Miscellaneous Funds .....	50,500	
Total Department of Forensic Sciences .....	3,809,071	50,500
		3,859,571

In addition to the above appropriation there is hereby appropriated

\$350,000 to the Department of Forensic Sciences to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

39. Foresters, Alabama State Board of Registration For:

(a) Professional and Occupational Licensing and Regulation Program .....	17,900
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund .	17,900	
As provided in Title 34, Chapter 12, 1975 Code of Alabama.		
Total Alabama State Board of Registration for Foresters .....	<u>17,900</u>	<u>17,900</u>

40. Forestry Commission, Alabama:

(a) Forest Resource Protection Program .....	9,970,088
(b) Forest Resource Management and Development Program ....	2,117,804
(c) Education and Information Program .....	510,911
(d) Administrative Services Program .....	1,724,797

The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$24,495.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	8,653,290	
(2) Federal and Local Funds ....	2,300,700	
(3) Forestry Commission Fund ..	3,369,610	

It is provided that in the event receipts into the Forestry Commission Funds relating to federal grants, county appropriations, seedling price increases, contributions, and inter-department transfers exceed amounts originally appropriated for these sources of funds such excess receipts are hereby appropriated. Of the above appropriation \$400,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission .....	<u>8,653,290</u>	<u>5,670,310</u>	<u>14,323,600</u>
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In addition to the above appropriation there is hereby appropriated \$2,000,000 to the Alabama Forestry Commission to be conditional upon the availability of funds in the State General Fund and upon the approval of the

Governor. Of such conditional appropriation released, twenty-five percent (25%) shall be expended by the Alabama Forestry Commission for Rural and Community Fire Protection.

41. Fort Morgan-Alabama Historical Commission:

(a) Historical Resources Management Program .....	624,633
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SOURCE OF FUNDS:

(1) State General Fund .....	124,633		
(2) Federal, Local and Misc. Funds. ....		<u>500,000</u>	
Total Alabama Historical Commission-Fort Morgan .....	<u>124,633</u>	<u>500,000</u>	<u>624,633</u>

In addition to the above appropriation there is hereby appropriated \$500,000 to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

42. Funeral Service, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	91,500
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SOURCE OF FUNDS:

(1) AL Funeral Directors & Embalmers Fund .....	91,500
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As provided in Title 34, Chapter 13, 1975 Code of Alabama.

Total Alabama Board of Funeral Service .....	<u>91,500</u>	<u>91,500</u>
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43. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....	2,499,172
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The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,940.

SOURCE OF FUNDS:

(1) State General Fund .....	1,379,018		
(2) Federal, Local and Misc. Funds .....		<u>1,120,154</u>	
Total Geological Survey .....	<u>1,379,018</u>	<u>1,120,154</u>	<u>2,499,172</u>

44. Gorgas Memorial Board:

(a) Historical Resources Management Program .....			11,200
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## SOURCE OF FUNDS:

(1) State General Fund .....	9,700		
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As provided in Title 41, Chapter 9,  
Section 220, 1975 Code of Ala-  
bama and an additional amount.

(2) Federal, Local and Miscellaneous Funds .....		<u>1,500</u>	
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Total Gorgas Memorial Board ...	<u>9,700</u>	<u>1,500</u>	<u>11,200</u>
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## 45. Governor's Office:

(a) Executive Direction Program			1,366,956
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,366,956</u>		
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Total Governor's Office .....	<u>1,366,956</u>		<u>1,366,956</u>
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## 46. Governor's Office-Legal:

(a) Executive Direction Program			120,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>120,000</u>		
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Total Governor's Office-Legal ...	<u>120,000</u>		<u>120,000</u>
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## 47. Governor's Contingency Fund:

(a) Executive Direction Program			<u>352,200</u>
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>352,200</u>		
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Total Governor's Contingency Fund .....	<u>352,200</u>		<u>352,200</u>
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## 48. Governor's Mansion:

(a) Executive Direction Program			208,053
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>208,053</u>		
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Total Governor's Mansion .....	<u>208,053</u>		<u>208,053</u>
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## 49. Governor's Mansion Advisory Board:

(a) Executive Direction Program			10,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>10,000</u>		
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Total Governor's Mansion Advisory Bd .....	<u>10,000</u>		<u>10,000</u>
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## 50. Health, Department of Public:



(a) Administrative Services Program .....	3,866,878
(b) Health Support Services Program .....	37,895,753

Of this amount, \$7,738,688 shall go to the local health departments with each of the 67 departments receiving a base of \$40,000 and the remaining amount distributed equally on a per capita basis, based on the 1980 census.

(c) Personal Health Improvement Program .....	35,998,902
(d) Environmental Health Improvement Program .....	8,823,229
(e) Special Services Program ....	2,751,975
(f) Health Planning, Development and Regulation Program .....	1,478,111
(g) University of Alabama in Birmingham Biomedical Sciences Program .....	325,000

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$102,932.

SOURCE OF FUNDS:

(1) State General Fund .....	20,290,276
(2) Cigarette Tax-.01 .....	1,900,000
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.	
(3) Cigarette Tax-.02 .....	2,200,000
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.	
(4) Vital Statistics Fund .....	1,049,749
(5) Hospital Licensing Fund ....	205,700
(6) Emergency Medical Services Fund .....	30,000
As provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama	
(7) Local Health Departments ...	24,951,684
(8) Air Pollution Fines .....	30,000
(9) Nuclear Monitoring Fund ...	20,000
(10) Miscellaneous Funds .....	2,936,438
(11) Federal Funds .....	<u>37,526,001</u>

Total Department of Public Health	<u>20,290,276</u>	<u>70,849,572</u>	<u>91,139,848</u>
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In addition to the above appropriation there is hereby appropriated \$215,000 to the Department of Public Health for the Mobile Branch Laboratory and \$38,000 to the State Virology Laboratory in Jefferson County located at the University of Alabama Medical Center and \$55,000 to the Department of Public Health for Phenylketonuria Children Program (PKU) to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriation to the Depart. of Public Health, there is hereby appropriated \$1,000,000 to the Personal Health Improvement Program for maternal and child health care to be conditioned upon the availability of funds in the State General Fund and upon approval of the Governor.

51. Health Planning and Development Agency, State:

(a) Health Planning, Development and Regulation Program .....	952,739
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The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of \$1,384.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	277,210		
(2) Federal, Local and Misc. Funds		<u>675,529</u>	
Total State Health Planning and Development Agency .....	<u>277,210</u>	<u>675,529</u>	<u>952,739</u>

52. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	23,000
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SOURCE OF FUNDS:

(1) State Board of Health-Hearing Aid Fund .....	23,000
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As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.

Total Alabama Board of Hearing Aid Dealers .....	<u>23,000</u>	<u>23,000</u>
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53. Highway Department:

(a) Central Administration Program .....	7,693,436
(b) Division and District Supervision Program .....	14,686,325
(c) Operations and Support Services Program .....	6,050,711

(d) Maintenance Program .....	65,804,608
(e) Non-Programmatic Expenditures .....	95,157,645
Proposed Spending Plan for the above (e) includes the following:	
Debt Service .....	94,786,663
Equipment-Other than Automotive .....	370,982
(f) Construction-Federal Aid Program .....	214,609,000
Proposed Spending Plan for the above (f) includes the following:	
Federal Aid Matching	31,041,000
Non-Participating Work on Federal Aid Projects .....	1,000,000
Federal Aid .....	182,568,000
(g) Construction-State Program .	4,434,907
(h) Operations-Land and Buildings .....	706,800

The appropriation to the Highway Department shall include a transfer to the State Personnel Department of \$183,819.

#### SOURCE OF FUNDS:

(1) State General Fund-Transfer	75,000
(2) Public Road and Bridge Fund	176,470,432
(3) Federal Aid .....	232,598,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$94,786,663 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a),

(b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portion of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department .....	75,000	409,068,432	409,143,432
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54. Highway and Traffic Safety,  
Office of:

(a) Traffic Control and Accident Prevention Program .....			2,349,278
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The appropriation to the Office of  
Highway and Traffic Safety shall  
include a transfer to the State  
Personnel Department of \$532.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	63,974		
(2) Federal Fund .....		2,285,304	

Total Office of Highway and Traffic Safety .....	63,974	2,285,304	2,349,278
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55. Historic Chattahoochee Com-  
mission:

(a) Historical Resources Manage- ment Program .....			119,305
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	70,505		
(2) Federal, Local and Miscellane- ous Funds .....		48,800	

Total Historic Chattahoochee Commission .....	70,505	48,800	119,305
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56. Historical Commission, Ala-  
bama:

(a) Historical Resources Manage- ment Program .....			1,489,703
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The appropriation to the Alabama  
Historical Commission shall in-  
clude a transfer to the State Per-  
sonnel Department of \$1,704.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	434,807		
(2) Federal, Local and Miscellaneous Funds		<u>1,054,896</u>	
Total Alabama Historical Commission	<u>434,807</u>	<u>1,054,896</u>	<u>1,489,703</u>

57. Industrial Relations, Department of:

(a) Skills Enhancement and Employment Opportunities Program			16,015,336
(b) Unemployment Compensation Program			26,531,551
(c) Administrative Services Program			7,431,843
(d) Industrial Safety and Accident Prevention Program			5,574,162

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$105,328.

SOURCE OF FUNDS:

(1) State General Fund	869,849		
(2) Federal, Local and Miscellaneous Funds		<u>54,683,043</u>	
Total Department of Industrial Relations	<u>869,849</u>	<u>54,683,043</u>	<u>55,552,892</u>

58. Insurance Board, State Employees':

(a) Administrative Support Services Program			84,488
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SOURCE OF FUNDS:

(1) State General Fund	<u>84,488</u>		
Total State Employees' Insurance Board	<u>84,488</u>		<u>84,488</u>

59. Insurance, Department of:

(a) Regulatory Services Program			2,429,281
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The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) State General Fund	1,249,055		
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(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, 1975 Code of Ala- bama .....			970,300
(3) Fire Marshals' Fund .....			209,926
As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State Gen- eral Fund.			
Total Department of Insurance ..	<u>1,249,055</u>	<u>1,180,226</u>	<u>2,429,281</u>
60. Labor, Department of:			
(a) Regulatory Services Program			327,883
SOURCE OF FUNDS:			
(1) State General Fund .....	292,883		
(2) Federal, Local and Miscellane- ous Funds .....		<u>35,000</u>	
Total Department of Labor .....	<u>292,883</u>	<u>35,000</u>	<u>327,883</u>
61. LaGrange Historical Site- Alabama Historical Commis- sion:			
(a) Historical Resources Manage- ment Program .....			6,126
SOURCE OF FUNDS:			
(1) State General Fund .....	2,076		
As provided in Title 41 Chapter 9, Section 270, 1975 Code of Ala- bama.			
(2) Federal and Local Funds ....		<u>4,050</u>	
Total Alabama Historical Commis- sion.			
LaGrange Historical Site .....	<u>2,076</u>	<u>4,050</u>	<u>6,126</u>
62. Landscape Architects, Board of Examiners of:			
(a) Professional and Occupational Licensing and Regulation Pro- gram .....			7,675
SOURCE OF FUNDS:			
(1) Landscape Architects Fund ..		7,675	
As provided in Title 34, Chapter 17, 1975 Code of Alabama.			
Total Board of Examiners of Land- scape Architects .....		<u>7,675</u>	<u>7,675</u>

63. Law Enforcement Planning  
Agency, Alabama:

(a) Law Enforcement Planning and Development Program . . . .	3,445,419
(b) Glory House for Boys . . . . .	40,000

The appropriation to the Alabama  
Law Enforcement Planning  
Agency shall include a transfer  
to the State Personnel Depart-  
ment of \$958.

SOURCE OF FUNDS:

(1) State General Fund-Transfer for Matching Federal Funds . . .	281,574		
(2) Federal, Local and Miscellane- ous Funds . . . . .		<u>3,203,845</u>	
Total Alabama Law Enforcement Planning Agency . . . . .	<u>281,574</u>	<u>3,203,845</u>	<u>3,485,419</u>

64. Liquefied Petroleum Gas  
Board:

(a) Regulatory Services Program	201,900
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The appropriation to the Liquefied  
Petroleum Gas Board shall in-  
clude a transfer to the State Per-  
sonnel Department of \$266.

SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund . . . . .	<u>201,900</u>		
Total Liquefied Petroleum Gas Board . . . . .	<u>201,900</u>	<u>201,900</u>	

65. Medicaid Agency, Alabama:

(a) Medical Assistance through Medicaid Program . . . . .	393,192,154
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The appropriation to the Alabama  
Medicaid Agency shall include a  
transfer to the State Personnel  
Department of \$11,182.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	90,071,529		
(2) Transfer from Pensions and Se- curity . . . . .		1,064,400	
(3) Transfer from Mental Health		30,851,625	
(4) Federal, Local and Miscellane- ous Funds . . . . .		<u>271,204,600</u>	
Total Alabama Medicaid Agency	<u>90,071,529</u>	<u>303,120,625</u>	<u>393,192,154</u>

In addition to the above appropriation there is hereby appropriated \$4,400,000 to the Alabama Medicaid Agency to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

66. Mental Health, Department of:

(a) Institutional Treatment and Care-Mental Illness Program ..	71,452,865
(b) Institutional Treatment and Care-Mental Retardation Program .....	57,942,594
(c) Institutional Treatment and Care-Criminally Insane Program .....	3,390,349
(d) Non-Institutional Treatment and Care Program .....	33,801,263
(Of this amount, \$14,477,283 shall be used for Community Programs. Of this \$14,477,283, \$100,000 shall be appropriated to the River Bend Mental Health Center for Alcohol Treatment for capital outlay.)	
(e) Administrative Services Program .....	3,782,197

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$256,665.

SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund .....	97,118,850
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For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.

(2) Special Mental Health Trust Fund - Community Programs ..	14,477,283
(3) Transfer from ABC Profits ..	1,000,000
(4) Cigarette Tax -\$.01 .....	930,000
(5) Cigarette Tax -\$.02 .....	4,825,000
(6) Federal, Local and Miscellaneous Funds .....	<u>52,018,135</u>



Total Department of Mental Health .....	170,369,268	170,369,268
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In addition to the above appropriation there is hereby appropriated \$14,787,525 to the Department of Mental Health to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriations, there is hereby appropriated \$5,659,265 To the Department of Mental Health to be conditional on the availability of funds enumerated in the Source of Funds numbered one (1) through (5) above on lines seven (7) through twenty (20) and upon the approval of the Governor.

It is the intent of the Legislature that the Governor shall not release more than a total of \$14,787,525 in conditional appropriations to the Department of Mental Health from any source.

67. Military Department:

(a) Military Operations Program	4,778,928
(b) Capital Outlay .....	902,997

SOURCE OF FUNDS:

(1) State General Fund-Operations .....	1,398,899	
(2) State General Fund-Quarterly Allowances Headquarters-Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters .	1,031,000	
(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities .....	902,997	
(4) State General Fund-Active Military Service .....	130,628	
(5) State General Fund-Transfer to Armory Commission .....	2,208,401	
(6) State General Fund-Dropping Allowance .....	10,000	
Total Military Department .....	5,681,925	5,681,925

68. Armory Commission of Alabama:

(a) Military Operations Program	3,328,077
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SOURCE OF FUNDS:

(1) Transfer from Military Department .....	2,208,401
(2) Federal, Local and Miscellaneous Funds .....	1,119,676

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama .....	3,328,077	3,328,077
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69. Nursing Home Administrators, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program .....	31,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund ...	31,000
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As provided in Title 34, Chapter 20, 1975 Code of Alabama.

Total Board of Examiners of Nursing Home Administrators .....	<u>31,000</u>	<u>31,000</u>
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70. Oil and Gas Board:

(a) Management and Regulation of Oil and Gas Exploration and Development Program .....	1,321,747
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,321,747</u>
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Total Oil and Gas Board .....	<u>1,321,747</u>	<u>1,321,747</u>
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71. Pardons and Paroles, Board of:

(a) Administration of Pardons and Paroles Program .....	7,707,028
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The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of \$10,171.

SOURCE OF FUNDS:

(1) State General Fund .....	6,339,201
(2) Probationers Upkeep Fund ..	1,263,488
(3) Federal, Local and Miscellaneous Funds .....	<u>104,339</u>

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Total Board of Pardons and Paroles	<u>6,339,201</u>	<u>1,367,827</u>	<u>7,707,028</u>
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72. Peace Officers' Annuity and Benefit Fund, Alabama:

(a) Retirement System Program .			188,800
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama .....

188,800

Total Alabama Peace Officers' Annuity and Benefit Fund .....

188,800

188,800

73. Pensions and Security:

(a) Economic Assistance Program			154,452,009
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(b) Social Services Program .....			83,007,087
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Of the above appropriation, foster parents shall receive monthly payments for the care of children at the following rates based on the ages of the children: 0-2 years, \$153; 3-5 years, \$162; 6-12 years, \$171; and 13 years and over, \$180. Of the above appropriation, at least \$10,000,000 shall be dedicated to the foster care program.

The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$217,952.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,419,336		
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(2) Federal, Local and Misc. Funds		162,356,334	
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(3) ABC Profits .....		1,931,457	
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(4) Whiskey Tax .....		19,560,705	
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(5) Beer Tax .....		7,597,000	
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(6) Pension Residue .....		8,990,000	
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(7) Sales Tax .....		1,322,000	
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(8) Franchise Tax .....		9,720,000	
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(9) Contracts, Service Fees .....		200,000	
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(10) Child Support Collections ..		1,900,000	
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(11) Sales Tax for Food Stamps .		14,000,000	
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(12) Cigarette Tax .....		4,200,000	
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(13) Contractor's Gross Receipts Tax .....		3,260,164	
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(14) Pension Fund .....		<u>2,100</u>	
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Total Pensions and Security .....	<u>2,419,336</u>	<u>235,039,760</u>	<u>237,459,096</u>
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In addition to the above appropriation, there is hereby appropriated \$6,314,000 to the Department of Pensions and Security to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

In addition to the above appropriations, there is hereby appropriated \$6,314,000 to the Department of Pensions and Security to be conditional upon the availability of funds enumerated in the Sources of Funds number three (3) through fourteen (14) above on lines four (4) through fifteen (15) and upon the approval of the Governor.

It is the intent of the Legislature that the Governor shall not release more than a total of \$6,314,000 in conditional appropriations to the Department of Pensions and Security from any source.

In the event of the passage of Senate Bill 24 or its companion House Bill 67 of the 1982 Regular Session, the Governor is authorized to release sufficient funds from the above conditional appropriations to provide child restraints to foster parents.

74. Personnel Department, State:

(a) Administrative Support Program .....	1,465,608
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SOURCE OF FUNDS:

(1) State General Fund - Transfer	131,122
(2) Transfer from Department of Aeronautics .....	266
(3) Transfer from Commission on Aging .....	852
(4) Transfer from Agriculture and Industries .....	22,897
(5) Transfer from Agricultural Center Board .....	692
(6) Transfer from Alcoholic Beverage Control Board .....	61,344
(7) Transfer from Board of Registration for Architects .....	106
(8) Transfer from State Arts Council .....	532
(9) Transfer from State Banking Dept. ....	2,449
(10) Transfer from Finance - Alabama Building Authority ..	1,917
(11) Transfer from Finance - Alabama Building Finance Authority .....	1,651
(12) Transfer from Building Commission .....	373
(13) Transfer from Civil Defense Dept. ....	1,438
(14) Transfer from Coastal Area Board .....	373
(15) Transfer from Conservation Dept. ....	29,926
(16) Transfer from State Licensing Board for General Contractors .	319

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(17) Transfer from Board of Corrections .....	68,053
(18) Transfer from Board of Cosmetology .....	479
(19) Transfer from Criminal Justice Information Center .....	2,662
(20) Transfer from Alabama Dairy Commission .....	532
(21) Transfer from Alabama Development Office .....	1,757
(22) Transfer from State Docks ..	31,577
(23) Transfer from Education ...	72,952
(24) Transfer from Department of Energy .....	1,438
(25) Transfer from Board of Registration for Professional Engineers and Land Surveyors ...	266
(26) Transfer from Firefighters Personnel Standards and Education Commission .....	213
(27) Transfer from Department of Forensic Sciences .....	4,260
(28) Transfer from Forestry Commission .....	24,495
(29) Transfer from Geological Survey .....	3,940
(30) Transfer from Health Department .....	102,932
(31) Transfer from State Health Planning and Development Agency .....	1,384
(32) Transfer from Highway Department .....	183,819
(33) Transfer from Highway and Traffic Safety .....	532
(34) Transfer from Alabama Historical Commission .....	1,704
(35) Transfer from Industrial Relations .....	105,328
(36) Transfer from Insurance Department .....	3,088
(37) Transfer from Law Enforcement Planning Agency .....	958
(38) Transfer from Legislative Reference Service .....	1,118
(39) Transfer from Liquefied Petroleum Gas Board .....	266

(40) Transfer from Alabama Medicaid Agency .....	11,182		
(41) Transfer from Department of Mental Health .....	256,665		
(42) Transfer from Board of Nursing .....	639		
(43) Transfer from Pardons and Paroles Board .....	10,171		
(44) Transfer from Peace Officers' Standards and Training Commission .....	160		
(45) Transfer from Pensions and Security .....	217,952		
(46) Transfer from Physical Fitness Commission .....	213		
(47) Transfer from Board of Physical Therapy .....	53		
(48) Transfer from Office of State Planning and Federal Programs .....	3,088		
(49) Transfer from Public Library Service .....	3,088		
(50) Transfer from Public Service Commission .....	5,804		
(51) Transfer from Publicity and Information .....	3,195		
(52) Transfer from Alabama Public Television Network .....	4,260		
(53) Transfer from Real Estate Commission .....	852		
(54) Transfer from Retirement Systems .....	4,526		
(55) Transfer from Department of Revenue .....	53,303		
(56) Transfer from Board of Social Work Examiners .....	53		
(57) Transfer from Surface Mining Reclamation Commission .....	2,183		
(58) Transfer from Department of Youth Services .....	18,211		
Total State Personnel Department	<u>131,122</u>	<u>1,334,486</u>	<u>1,465,608</u>
75. Physical Therapy, Board of:			
(a) Professional and Occupational Licensing and Regulation Program .....			29,453

The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$53.

SOURCE OF FUNDS:

(1) Physical Therapist Fund . . . .	29,453		
As provided in Title 34, Chapter 24, Article 5, 1975 Code of Alabama.			
Total Board of Physical Therapy .	<u>29,453</u>		<u>29,453</u>

76. Planning and Federal Programs, Office of State:

(a) State Planning Program . . . .	37,002,624		
(b) State Planning Program-Special Projects . . . . .	500,000		
(c) Special Services Program . . . .	5,497,821		
(d) Regional Planning Commission Program . . . . .	332,750		

The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$3,088.

SOURCE OF FUNDS:

(1) State General Fund-Transfer . . . . .	2,859,895		
(2) Federal, Local and Miscellaneous Funds . . . . .	<u>40,473,300</u>		
Total Office of State Planning and Federal Programs . . . . .	<u>2,859,895</u>	<u>40,473,300</u>	<u>43,333,195</u>

77. Polygraph Examiners, Board of:

(a) Professional and Occupational Licensing and Regulation Program . . . . .	14,000		
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund . . . . .	14,000		
As provided in Title 34, Chapter 25, 1975 Code of Alabama as amended by Act No. 81-222.			
Total Board of Polygraph Examiners . . . . .	<u>14,000</u>		<u>14,000</u>

## 78. Prosecution Services, Office of:

(a) Prosecution, Training, Education and Management Program	471,570
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## SOURCE OF FUNDS:

(1) Office of Prosecution Services Fund	471,570
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Total Office of Prosecution Services	471,570	471,750
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## 79. Psychology, Alabama Board of Examiners in:

(a) Professional and Occupational Licensing and Regulation Program	22,700
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## SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund	22,700
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As provided in Title 34, Chapter 26, 1975 Code of Alabama.

Total Alabama Board of Examiners in Psychology	22,700	22,700
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## 80. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program	18,311,696
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(b) Criminal Investigation Program	3,794,950
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(c) Driver's Licensing and Improvement Program	7,398,889
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(d) Public Safety Support Services Program	7,726,826
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(e) Administrative Services Program	1,977,215
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(f) Alabama Criminal Justice Training Center Program	1,625,216
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(g) Capital Outlay	520,265
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## SOURCE OF FUNDS:

(1) State General Fund	41,355,057
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Total Department of Public Safety	41,355,057	41,355,057
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## 81. Public Service Commission:

(a) Administrative Services Program	820,000
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(b) Regulatory Program	3,868,550
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The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$5,804.



SOURCE OF FUNDS:

(1) Public Service Commission Fund .....	4,688,550
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.

Total Public Service Commission	<u>4,688,550</u>	<u>4,688,550</u>
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82. Publicity and Information, Bureau of:

(a) Tourism and Travel Promotion Program .....	2,254,193
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The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$3,195.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	504,193
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Of this amount, \$6,000 is earmarked for the purpose of purchasing state flags to be distributed by the members of the Legislature.

(2) Lodgings Tax (\$.01) .....	1,750,000
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Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.

Total Bureau of Publicity and Information .....	<u>504,193</u>	<u>1,750,000</u>	<u>2,254,193</u>
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83. Real Estate Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Program .....	627,617
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The appropriation to the Alabama Real Estate Commission shall

include a transfer to the State  
Personnel Department of \$852.

#### SOURCE OF FUNDS:

- (1) Alabama Real Estate Commission Fund-as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated .....

627,617

Total Alabama Real Estate Commission .....

627,617

627,617

#### 84. Revenue Department:

- (a) State Revenue Administration Program .....

29,750,000

The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$53,303.

#### SOURCE OF FUNDS:

- (1) State General Fund-Transfer as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments ...

250,000

- (2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama .....

398,242

- (3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections .....

310,041

- (4) Transfer from the gross proceeds of the Forest Severance Tax Collections .....

208,476

- (5) Transfer from the gross proceeds of Gasoline Tax Collections .....

2,068,723

- (6) Transfer from the Income Tax Collections .....

6,906,435

- (7) Transfer from the gross proceeds of Motor Fuel Tax Collections .....

1,194,727

- (8) Transfer from the gross proceeds of Motor Vehicle License Collections .....

1,208,092

(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....	368,843
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax .....	911,414
(11) Transfer from the gross proceeds of Sales Tax Collections ..	9,627,313
(12) Transfer from the gross proceeds of the Tobacco Tax Collections .....	1,969,831
(13) Transfer from the gross proceeds of Use Tax Collections ..	940,815
(14) Transfer from the gross proceeds of the Utility Tax Collections-as provided in Title 40, Chapter 21, 1975 Code of Alabama .....	614,737
(15) Local Funds .....	2,772,311

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department .....	250,000	29,500,000	29,750,000
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85. Revenue-Auto Title and Antitheft:

(a) State Revenue Administration Program .....	1,057,765
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SOURCE OF FUNDS:

(1) State General Fund-Transfer .....	1,057,765
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Total Revenue-Auto Title and Antitheft .....	1,057,765	1,057,765
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86. Revenue-Boards of Equalization:

(a) State Revenue Administration Program .....			136,166
SOURCE OF FUNDS:			
(1) State General Fund .....	136,166		
Total Revenue-Boards of Equalization .....	136,166		136,166
87. Revenue-Motor Vehicle License:			
(a) State Revenue Administration Program .....			2,145,200
SOURCE OF FUNDS:			
(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .....		2,145,200	
Total Revenue-Motor Vehicle License .....		2,145,200	2,145,200
88. Richmond P. Hobson Memorial Board-Alabama Historical Commission:			
(a) Historical Resources Management Program .....			107,052
SOURCE OF FUNDS:			
(1) State General Fund-as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an additional amount .....	7,052		
(2) Federal, Local and Miscellaneous Funds .....		100,000	
Total Alabama Historical Commission-Richmond P. Hobson Memorial Board .....	7,052	100,000	107,052
89. Secretary of State:			
(a) Administrative Support Services Program .....			630,515
SOURCE OF FUNDS:			
(1) State General Fund .....	630,515		
Total Secretary of State .....	630,515		630,515
90. Securities Commission:			
(a) Regulatory Services Program .....			709,600
SOURCE OF FUNDS:			
(1) State General Fund .....	476,706		

(2) Industrial Development Bond Notification Fund .....		139,602	
(3) Sales of Checks License Fund .....		8,000	
(4) Exemption Fund .....		85,292	
Total Securities Commission ....	476,706	232,894	709,600

91. Social Work Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....			45,667
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The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$53.

SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund-as provided in Title 34, Chapter 30, 1975 Code of Alabama .....		45,667	
Total Alabama State Board of Social Work Examiners .....		45,667	45,667

92. Soil and Water Conservation Committee, Alabama State:

(a) Water Resource Development Program .....			697,516
(b) Catfish Farming and Disease Control Methods .....			200,000

SOURCE OF FUNDS:

(1) State General Fund .....	887,516		
(2) Federal, Local and Miscellaneous Funds .....		10,000	
Total Alabama State Soil and Water Conservation Committee .....	887,516	10,000	897,516

In addition to the above appropriation to the Soil and Water Conservation Committee, there is hereby appropriated the amount of \$390,000 to accelerate the development of the fish farming industry in Alabama to be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

93. Southern Growth Policies Board:

(a) Special Services Program . . . .	25,300
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## SOURCE OF FUNDS:

(1) State General Fund . . . . .	25,300	
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Total Southern Growth Policies Board . . . . .	25,300	25,300
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## 94. Space Science Exhibit Commission, Alabama:

(a) Tourism and Travel Promotion Program . . . . .	356,000
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## SOURCE OF FUNDS:

(1) State General Fund-Capital Outlay . . . . .	356,000	
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Total Alabama Space Science Exhibit Commission . . . . .	356,000	356,000
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## 95. Speech Pathology and Audiology, Alabama Board of Examiners for:

(a) Professional and Occupational Licensing and Regulation Program . . . . .	16,000
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## SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama . . . . .	16,000	
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Total Alabama Board of Examiners for Speech Pathology and Audiology . . . . .	16,000	16,000
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## 96. Surface Mining Reclamation Commission:

(a) Industrial Safety and Accident Prevention Program . . . . .	2,816,283
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The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of \$2,183.

## SOURCE OF FUNDS:

(1) Surface Mining Reclamation Commission Fund-as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in

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addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission. ....

2,816,283

Total Surface Mining Reclamation Commission .....

2,816,283      2,816,283

97. Tannehill Historical State Park:

(a) Historical Resources Management Program .....

597,700

SOURCE OF FUNDS:

(1) State General Fund ..... 250,000

(2) Federal, Local and Miscellaneous Funds .....

347,700

Total Tannehill Historical State Park .....

250,000      347,700      597,700

98. Tennessee-Tombigbee Waterway Development Authority:

(a) Water Resource Development Program .....

476,339

SOURCE OF FUNDS:

(1) State General Fund ..... 165,000

As provided in Title 33, Chapter 8, 1975 Code of Alabama as amended.

(2) Federal, Local and Miscellaneous Funds .....

311,339

Total Tennessee-Tombigbee Waterway Development Authority .....

165,000      311,339      476,339

99. Treasurer, State:

(a) Fiscal Management Program .....

1,205,993

SOURCE OF FUNDS:

(1) State General Fund ..... 1,205,993

1,205,993

Total State Treasurer .....

1,205,993      1,205,993

In addition to the above appropriation to the State Treasurer, there is hereby appropriated \$200,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

100. Uniform State Laws, Commission on:

(a) Special Services Program . . . .		4,147
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	4,147	
As provided in Title 41, Chapter 9, Article 12, 1975 Code of Ala- bama.		
Total Commission on Uniform State Laws . . . . .	<u>4,147</u>	<u>4,147</u>
101. Veterans Affairs, Depart- ment of:		
(a) Administration of Veterans Af- fairs Program . . . . .		2,616,700
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	<u>2,616,700</u>	
Total Department of Veterans Af- fairs . . . . .	2,616,700	<u>2,616,700</u>
102. Veterinary Medical Examin- ers, Alabama State Board of:		
(a) Professional and Occupational Licensing and Regulation Pro- gram . . . . .		30,000
SOURCE OF FUNDS:		
(1) State Board of Veterinary Med- ical Examiners Fund . . . . .	30,000	
As provided in Title 34, Chapter 29, 1975 Code of Alabama.		
Total Alabama State Board of Vet- erinary Medical Examiners . . .	<u>30,000</u>	<u>30,000</u>
103. Water and Waste Water Sys- tems Personnel, Board of Certifi- cation for:		
(a) Professional and Occupational Licensing and Regulation Pro- gram . . . . .		15,954
SOURCE OF FUNDS:		
(1) Operators and Certification Fund . . . . .	15,954	
As provided in Title 22, Chapter 25, 1975 Code of Alabama.		
Total Board of Certification for Water and Waste Water Systems Personnel . . . . .	<u>15,954</u>	<u>15,954</u>
104. Water Well Standards Board, Alabama:		



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(a) Professional and Occupational Licensing and Regulation Program .....	41,000
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SOURCE OF FUNDS:

(1) Well Digger's Licensing Fund	41,000	
As provided in Title 22, Chapter 24, 1975 Code of Alabama.		
Total Alabama Water Well Stand- ards Board .....	41,000	41,000

105. Women's Commission, Ala-  
bama:

(a) Employment and Social Oppor- tunities Program .....	9,000
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SOURCE OF FUNDS:

(1) State General Fund .....	9,000	
Total Alabama Women's Commis- sion .....	9,000	9,000

106. Women's Hall of Fame, Ala-  
bama:

(a) Historical Resources Manage- ment Program .....	12,000
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SOURCE OF FUNDS:

(1) State General Fund .....	12,000	
Total Alabama Women's Hall of Fame .....	12,000	12,000

107. State Department of Educa-  
tion:

(a) Library Instructional Materi- als .....	2,494,131
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To be distributed to all public  
elementary and secondary  
schools and all two-year post-  
secondary institutions under  
jurisdiction of the State Board of  
Education by an equal amount  
per student enrolled.

SOURCE OF FUNDS:

(1) State General Fund .....	2,494,131	
Total State Dept. of Education ..	2,494,131	2,494,131

108. Department of Youth Ser-  
vices:

(a) Youth Services Program .....	13,239,813
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The appropriation to the Depart-  
ment of Youth Services shall

include a transfer to the State Personnel Department of \$18,211.

**SOURCE OF FUNDS:**

(1) State General Fund .....	12,159,265		
(2) Federal and Local Funds ....		<u>1,080,548</u>	
Total Department of Youth Services .....	<u>12,159,265</u>	<u>1,080,548</u>	<u>13,239,813</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session.) The above appropriation to the Department of Youth Services is to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

**109. Library Service, Alabama Public:**

(a) Public Library Service Program .....	270,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	<u>270,000</u>	
Total Alabama Public Library Service .....	<u>270,000</u>	<u>270,000</u>

**110. Fort Toulouse-Alabama Historical Commission:**

(a) Historical Resources Management Program .....	25,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	<u>25,000</u>	
Total Alabama Historical Commission-Fort Toulouse .....	<u>25,000</u>	<u>25,000</u>

**111. Department of Finance-Telephone Revolving Fund:**

There is hereby appropriated \$1,500,000 to the Telephone Revolving Fund to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
**FOB JAMES,**  
 Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the substitute amendment proposed by His Excellency, the Governor, to the bill, H. 151, said Executive amendment being set out in the above and foregoing Message from the Governor.

Yeas 94; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Higginbotham, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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MOTION TO SUSPEND RULES AND PASS

On motion of Rep. Owens, the rules were suspended and the bill:

H. 151. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

With the substitute amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 98; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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## MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 480 without his signature and approval and with suggested Executive Amendments.

Respectfully submitted,  
WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 26th day of April, 1982.

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 480 without my signature and approval and with the following suggested Executive Amendments:

On page one of the enrolled bill, line 1, after the language "To provide a" delete "sixteen" and substitute in lieu thereof "fifteen".

On page one of the enrolled bill, in the second line of Section 1 after the language "to provide a" delete "sixteen" and substitute in lieu thereof "fifteen".

On page one of the enrolled bill, in the fourth line of Section 1, after the language "directs that the aforesaid" delete "sixteen" and substitute in lieu thereof "fifteen".

On page one of the enrolled bill, in line 5 of Section 2, after the language "to grant a" delete "sixteen" and substitute in lieu thereof "fifteen".

On page two of the enrolled bill, in line 1, after subsection (a), delete the word "sixteen" and substitute in lieu thereof "Fifteen".

On page two of the enrolled bill, in line 6, after subsection (b), delete the word "Sixteen" and substitute in lieu thereof "Fifteen".

On page two of the enrolled bill, in line 9, after the subsection (c), delete the word "Sixteen" and substitute in lieu thereof "Fifteen".

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,  
FOB JAMES,  
Governor.

## GOVERNOR'S MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 480,

said executive amendment being set out in the above and foregoing Message from the Governor.

Yeas 91; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Moore, Nevett, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—91

*Nays:* Reps. Barton and Coburn.

—2

And the bill:

H. 480. To provide a sixteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1983.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 91; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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#### MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Gafford offered the motion to reconsider the vote by which the House failed to concur in the Senate amendment to the bill, H. 246, and the motion to reconsider was adopted.

Yeas 40; Nays 32.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Boles, Cabaniss, Carothers, Carter, Dial, Drinkard, Edwards, Ford, Gafford, Grimsley,

Grouby, Hammett, Harper (O), Harvey, Johnson (R. G.), Kelley, Lewis, Manley, Moore, Payne, Pegues, Rains, Reed, Sasser, Seibels, Shoemaker, Turner, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—40

*Nays:*

Reps. Albright, Bedsole, Brakefield, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Daniels, Dixon, Escott, Gilmer, Hall, Harrison, Higginbotham, Holley, Horn, Howard, Johnson (Roy), Laird, McKee, McMillan, Minus, Nevett, Olive, Parker, Penry, Smith (J), Starkey, Stewart, Trammell and Turnham.

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#### H. 246 AGAIN TAKEN UP

Rep. Adams (H) offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 246.

#### H. 246 TEMPORARILY POSTPONED

On motion of Rep. McMillan, further consideration of the bill, H. 246 with Senate amendment was temporarily postponed.

Yeas 49; Nays 20.

*Yeas:*

Reps. Adams (C), Albright, Bedsole, Bennett, Boles, Brakefield, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Dixon, Gilmer, Grimsley, Hall, Harper (O), Harper (T), Harrison, Higginbotham, Hines, Holley, Johnson (Roy), Kennedy, Laird, Lewis, McMillan, Manley, Mitchell, Moore, Olive, Parker, Patton, Pegues, Rains, Reed, Riddick, Sandusky, Sasser, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner and Warren.

—49

*Nays:*

Mr. Speaker, Adams (H), Biddle, Cabaniss, Drinkard, Edwards, Ford, Gafford, Grouby, Harvey, Holmes, Howard, Johnson (R. G.), Kelley, Langford, Minus, Seibels, Shoemaker, Ward and Whatley.

—20

#### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, AL 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 150 without his signature and approval and with suggested Executive Amendments.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 26th day of April, 1982.

To The Alabama House of Representatives  
State Capitol  
Montgomery, AL 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 150 without my signature and approval and with the following suggested Executive Amendments:

On page one of the enrolled bill in Section 1, count down to line 13 in Section 1 and delete the number "12" and insert in lieu thereof the number "11".

On page two of the enrolled bill in Section 2, count down to line 10 and delete the number "12" and insert in lieu thereof the number "11".

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,

FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 150, said Executive amendment being set out in the above and foregoing Message from the Governor.

Yeas 91; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammeett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—91

*Nay:* Rep. Grimsley.

—1

And the bill:

H. 150. To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983 and to provide that certain employees shall be brought up to the normal step under the state pay plan and to appropriate funds.

As amended by His Excellency, the Governor, was again read at length and passed.

Yeas 92; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—92

*Nay:* Rep. McMillan.

—1

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Cates to suspend the rules in order to take up out of order the bill, S. 45, was lost, lacking a four-fifths vote.

Yeas 41; Nays 25.

*Yeas:*

Reps. Barton, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Langford, McKee, McMillan, Mitchell, Owens, Penry, Rains, Ray, Riddick, Shavers, Smith (C), Smith (J), Stewart, Stout, Turner, Venable, Warren and Wyatt.

—41

*Nays:*

Reps. Adams (H), Bedsole, Brakefield, Cabaniss, Campbell, Carothers, Clark (G), Escott, Gilmer, Grimsley, Harrison, Johnson (R. G.), Laird, Lewis, Manley, Nevett, Olive, Parker, Seibels, Smith (M), Trammell, Tucker, Whatley, Williams.

—25

#### MOTION TO INDEFINITELY POSTPONE

And the bill:

S. 242. To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

Was taken up.



MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Holley to indefinitely postpone the bill, S. 242, was lost.

Yeas 12; Nays 45.

*Yeas:*

Reps. Adams (H), Brakefield, Cheatwood, Escott, Harrison, Holley, Horn, Johnson (Roy), Nevett, Olive, Patton and Smith (C).

—12

*Nays:*

Mr. Speaker, Barton, Bedsole, Biddle, Campbell, Cates, Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grouby, Hall, Hammett, Harper (T), Higginbotham, Laird, McKee, Minus, Mitchell, Owens, Payne, Pegues, Penry, Rains, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—45

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, S. 242:

Amend S. B. 242 on page 1, Section 1, line 20 by striking after the word and the following: "county public school"

MOTION TO POSTPONE

Rep. Holmes offered the motion to temporarily postpone consideration of the bill, S. 242 with pending amendment.

SUBSTITUTE MOTION TO TABLE LOST

The substitute motion offered by Rep. Turnham to table the motion to temporarily postpone offered by Rep. Holmes, was lost.

Yeas 14; Nays 25.

*Yeas:*

Reps. Barton, Campbell, Cosby, Dial, Dixon, Gilmer, Grouby, Mitchell, Pegues, Reed, Shoemaker, Turnham, Ward and Zoghby.

—14

*Nays:*

Reps. Adams (H), Biddle, Brakefield, Cheatwood, Cooley, Daniels, Escott, Grimsley, Harrison, Harvey, Holley, Holmes, Horn, Johnson (Roy), Langford, Letson, McKee, Nevett, Olive, Payne, Rains, Seibels, Smith (C), Turner and Warren.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 287. URGING THE COUNTY AND CITY GOVERNING BODIES TO EARMARK AT LEAST 50% OF THE RESULTING INCREASE OF THE PROCEEDS DERIVED FROM H. B. 165 OF THE 1982 REGULAR SESSION TO MONTGOMERY COUNTY BOARD OF EDUCATION.

Also:

S. J. R. 288. COMMENDING REV. GEORGE COOK, JR. OF BIRMINGHAM, ALABAMA ON BEING NAMED MAN OF THE YEAR.

Also:

S. 102. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

Also:

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers Examining Board as provided in Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827) as amended, with certain modifications; to amend the title and Section 1 of said Act 529 so as to exempt certain counties based on the 1940 federal census.

Also:

S. 225. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

Also:

S. 275. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Leukemia Society of America, Alabama Chapter, within the definitions of charitable organizations as used in this section.

Also:

S. 405. Exempting from the state competitive bid laws purchases and contracts for services made by any state department or agency whose principal business is honorariums and whose annual appropriation from the legislature is less than seventy-five thousand dollars (\$75,000).

McDOWELL LEE,  
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

S. 242 RESUMED

S. 242 TEMPORARILY POSTPONED

On motion of Rep. Holmes, the bill, S. 242 with pending amendment, was temporarily postponed.

Yeas 29; Nays 22.

*Yeas:*

Reps. Adams (H), Bennett, Brakefield, Cabaniss, Cheatwood, Daniels, Escott, Grimsley, Harrison, Holley, Holmes, Horn, Johnson (Roy), Kelley, Langford, Letson, Lewis, McKee, Nevett, Olive, Payne, Rains, Riddick, Seibels, Smith (C), Smith (J), Turner, Warren and Wyatt.

—29

*Nays:*

Reps. Bedsole, Campbell, Cooley, Cosby, Dial, Dixon, Edwards, Ford, Gilmer, Grouby, Harper (T), Harvey, Johnson (R. G.), Laird, Mitchell, Pegues, Reed, Sandusky, Shoemaker, Turnham, Williams and Zoghby.

—22

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 502. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE  
ON SENATE BILL 502

We, the Committee on Conference appointed to reconcile the difference of the two houses concerning Senate Bill 502, have met in conference and have agreed to accept the attached amendment.

MIKE WEEKS,

G. J. "DUTCH" HIGGINBOTHAM,

JOHN A. TEAGUE,

Conferees on the part of the Senate.

JAMES RAY,  
Chairman.

WILLIAM D. EDWARDS,

SHELBY DEAN WARD,

Conferees on the part of the House.

April 26, 1982.

## CONFERENCE COMMITTEE REPORT TO S. B. 502

On page 2, Section 2, on line 7, after the word "legislature" add the following:

and as provided by this section.

On page 2, Section 2, after the period, add the following new language:

This act shall become effective upon the adoption of this amendment to the Constitution of Alabama of 1901; provided, however, that the provisions of this amendment shall not become operative in Pike County unless approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. Such election may be called no more frequently than every two years; provided further, that if this amendment is approved or defeated by a majority of the qualified electors of Pike County who vote thereon upon its submission, such election shall constitute a referendum election held for such purpose and no further election need be called.

And said Bill, S. B. 502, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Ray, the House concurred in and adopted the Report of the Committee on Conference appointed to reconcile the differences between the two Houses on the House amendment to the bill, S. 502, said Report being set out in the above and foregoing Message from the Senate.

Yeas 38; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bennett, Biddle, Carter, Cooley, Cosby, Daniels, Dixon, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harvey, Hines, Holley, Holmes, Horn, Kelley, Letson, Lewis, Moore, Olive, Payne, Pegues, Rains, Ray, Reed, Seibels, Shoemaker, Smith (J), Trammell, Venable, Ward, Whatley and Zoghby.

—38

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 502 as amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 49; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Carter, Cooley, Cosby, Daniels, Dixon, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, Lewis, McKee, Moore, Olive, Payne, Rains, Ray, Reed, Seibels, Shoemaker, Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley and Zoghby.

—49

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 422. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of certain probate judges so as to provide further for the minimum compensation for such officials.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE  
ON SENATE BILL 422

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning Senate Bill 422, have met in conference and have agreed to accept the attached substitute.

SONNY CALLAHAN,

JOHN TEAGUE,

MAC PARSONS,

Conferees on the Part of the Senate.

JAMES E. RAY,

PHILLIP B. KELLEY,

PRESTON MINUS, JR.,

Conferees on the Part of the House.

April 26, 1982.

## CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 422

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of certain probate judges so as to provide further for the minimum compensation for such officials.

Be It Enacted By The Legislature of Alabama:

Section 1. Section 12-13-20, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 12-13-20. (a) No probate judge who is on a salary and who serves as chairman of the county commission shall receive total compensation less than \$25,000 \$30,000 per year for serving as chairman and probate judge. This section in no way affects probate judges earning more than \$25,000 \$30,000 per year.

(b) No probate judge who is on a salary and who does not serve as chairman of the county commission shall receive total compensation less than \$22,500 \$27,500 per year. This section in no way affects those probate judges earning more than \$22,500 \$27,500 per year.

(c) Any necessary funds needed to ensure a probate judge shall receive a total compensation of \$25,000 \$30,000 per year or \$22,500 \$27,500 per year as the case may be, shall be paid out of the respective county's general fund.

(d) The provisions of this section shall not affect the compensation of probate judges of counties where said judges are compensated on the basis of the fee system."

(e) Any increase in salary provided in the provisions of this section shall not apply unless approved by a resolution of the county governing body.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, S. B. 422, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Ray, the House concurred in and adopted the Report of the Committee on Conference appointed to reconcile the differences between the two Houses on the House amendment to the bill, S. 422, said Report being set out in the above and foregoing Message from the Senate.

Yeas 48; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Carter, Cheatwood, Cooley, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hines, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Langford, McKee, Mitchell, Moore, Olive, Payne, Pegues, Ray, Reed, Seibels, Shoemaker, Smith (J), Trammell, Turner, Venable, Ward, Warren, Whatley and Zoghby.

—48

*Nay:* Rep. Holley.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 422 as amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 52; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Carter, Cheatwood, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, McKee, Mitchell, Moore, Olive, Payne, Pegues, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Trammell, Turner, Venable, Ward, Warren, Whatley and Zoghby.

—52

*Nay:* Rep. Holley.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Weeks:

S. J. R. 292. DESIGNATING H. B. 320 AND S. B. 236, OF THE 1982 REGULAR SESSION, "THE REED-MARTIN BILLS".

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Ray, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 292, the title of which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 291. CONGRATULATING THE ATLANTA BRAVES.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The resolution, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

#### H. 246 AGAIN TAKEN UP

The bill, H. 246, which previously was temporarily postponed with Senate amendment, was again taken up.

#### MOTION TO CONCUR IN SENATE AMENDMENT LOST

The motion offered by Rep. Adams (H) that the House concur in and adopt the Senate amendment to the bill, H. 246, was lost.

Yeas 27; Nays 39.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Biddle, Bowling, Cabaniss, Carothers, Cooley, Drinkard, Edwards, Ford, Gafford, Gilmer, Grouby, Harvey, Howard, Johnson (R. G.), Kelley, Letson, Payne, Reed, Seibels, Shoemaker and Waggoner.

—27

*Nays:*

Reps. Bedsole, Brakefield, Cheatwood, Coburn, Cosby, Crow, Daniels, Dixon, Escott, Goodwin, Grimsley, Hall, Harper (T), Harrison, Higginbotham, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Mitchell, Moore, Olive, Parker, Patton, Penry, Rains, Roberts, Sandusky, Smith (C), Starkey, Stewart, Trammell, Turner, Warren and Zoghby.

—39



MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Carter to suspend the rules in order to take up out of order the bill, S. 14, was lost, lacking a four-fifths vote.

Yeas 48; Nays 14.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Biddle, Cabaniss, Carothers, Carter, Cheatwood, Cobb, Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Grouby, Hammett, Harper (T), Higginbotham, Holley, Horn, Johnson (R. G.), Johnson (Roy), Letson, McKee, Minus, Mitchell, Moore, Olive, Patton, Payne, Pegues, Reed, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Turner, Turnham, Waggoner, Warren, Whatley and Zoghby.

—48

*Nays:*

Reps. Barton, Bennett, Brakefield, Escott, Gilmer, Harrison, Holmes, Howard, Langford, Nevett, Parker, Rains, Stewart and Wyatt.

—14

SPECIAL ORDER RESUMED

And the bill:

S. 222. To amend Section 12-3-1 of the Code of Alabama 1975, relating to the composition of the court of civil appeals, so as to increase the number of judges for such court; and to provide for the election of such judges, Section 12-3-3 of the Code of Alabama 1975, notwithstanding.

Was taken up.

AMENDMENT OFFERED

Rep. Cooley offered the following amendment to the bill, S. 222:

Amend S. B. 222 on page one, line 32 by deleting Section 2 in its entirety and renumber the remaining Sections.

Also, on page 2, delete lines 15 and 16 entirely and insert in lieu thereof the following:

"on October 1, 1983."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 33; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bennett, Carter, Cheatwood, Dial, Dixon, Drinkard, Ford, Gilmer, Grouby, Hall, Harvey, Hines, Holmes, Howard, Johnson (R. G.), Kennedy, McKee, Moore, Olive, Rains, Reed, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Warren, Whatley, Wyatt and Zoghby.

—33

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 222 as amended, was read a third time at length and passed.

Yeas 39; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Carter, Cheatwood, Dixon, Drinkard, Ford, Gafford, Gilmer, Grouby, Harper (T), Harvey, Hines, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Langford, McKee, Manley, Mitchell, Olive, Rains, Reed, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Warren, Whatley, Wyatt and Zoghby.

—39

*Nay:* Rep. Payne.

—1

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, S. 244.

Yeas 39; Nays 2.

*Yeas:*

Reps. Adams (H), Albright, Amari, Bedsole, Campbell, Carothers, Carter, Cates, Cheatwood, Cooley, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Grouby, Hall, Hammett, Harper (T), Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Moore, Nevett, Olive, Pegues, Ray, Reed, Shoemaker, Smith (C), Starkey, Stewart, Turnham, Venable and Warren.

—39

*Nays:* Rep. Rains and Wyatt.

—2

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 244. To provide that full-time employees and executive officers of the Alabama Vocational Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Was read a third time at length and passed.

Yeas 59; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Biddle, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Hammett, Harper (T), Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Nevett, Pegues, Rains, Ray, Reed, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Whatley, Wyatt and Zoghby.

—59

*Nay:* Rep. Barton.

—1

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hammett, the rules were suspended in order to take up out of order the bill, S. 68.

Yeas 43; Nays 7.

*Yeas:*

Reps. Adams (H), Amari, Bedsole, Bennett, Brakefield, Cates, Cheatwood, Cooley, Dixon, Drinkard, Ford, Gafford, Grouby, Hammett, Harper (T), Harvey, Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, McMillan, Mitchell, Moore, Nevett, Payne, Rains, Ray, Reed, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Warren and Wyatt.

—43

*Nays:*

Reps. Barton, Gilmer, Hall, Kelley, Pegues, Penry and Whatley.

—7

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 68. To amend Title 16, Section 27, sub-section 4, of the Code of Alabama, 1975 so as to lower the number of training session hours required for renewal of school bus driver licenses from six hours to four hours.

Was read a third time at length and passed.

Yeas 61; Nays 4.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Brakefield, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Dixon, Drinkard, Ford,

Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Manley, Mitchell, Moore, Nevett, Olive, Owens, Payne, Penry, Rains, Ray, Reed, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—61

*Nays:* Reps. Barton, Hall, Kelley and Pegues.

—4

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 278. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state or other appropriate official at the same time set by law in Section 17-16-11, Code of Alabama 1975, for candidates in primary elections to qualify a list of the signatures of at least one percent of the electors who cast ballots in the state, district, county or other political subdivision in which the political party seeks to qualify candidates for office, and unless the part shall have fulfilled all other applicable requirements of federal, state or local laws.

by a majority of the whole number elected to the Senate, said vote being Yeas 22, Nays 0.

And said Bill, H. B. 278, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 20, Nays 0.

And said Bill, H. B. 278, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Smith (J) to suspend the rules in order to take up out of order the bill, S. 416, was lost.

Yeas 17; Nays 33.

*Yeas:*

Reps. Barton, Bedsole, Carter, Daniels, Drinkard, Harper (T), Kennedy, McMillan, Minus, Moore, Penry, Reed, Smith (J), Stewart, Turner, Turnham and Wyatt.

—17

*Nays:*

Reps. Adams (C), Adams (H), Albright, Brakefield, Cheatwood, Cooley, Cosby, Crow, Dial, Dixon, Escott, Gilmer, Hall, Harrison, Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird,

Manley, Nevett, Olive, Pegues, Rains, Sasser, Seibels, Shoemaker, Smith (C) and Whatley.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Payne to suspend the rules in order to take up out of order the bill, S. 259, was lost.

Yeas 24; Nays 25.

*Yeas:*

Reps. Carter, Cheatwood, Cooley, Crow, Drinkard, Escott, Hall, Harrison, Holley, Holmes, Horn, Johnson (Roy), Kennedy, McKee, McMillan, Nevett, Rains, Reed, Smith (C), Smith (J), Starkey, Turner, Turnham and Whatley.

—24

*Nays:*

Rep. Albright, Barton, Bedsole, Brakefield, Cabaniss, Clark (G), Cosby, Daniels, Dixon, Edwards, Gilmer, Hammett, Harvey, Hines, Johnson (R. G.), Kelley, Manley, Mitchell, Moore, Olive, Pegues, Penry, Sasser, Shoemaker and Wyatt.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 430. DESIGNATING ACT NO. 82-328, H. B. 300, OF THE 1982 REGULAR SESSION, "THE CAROTHERS-MARTIN BILL".

McDOWELL LEE,  
Secretary.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Bennett to suspend the rules in order to take up out of order the bill, S. 359, was lost.

Yeas 7; Nays 9.

*Yeas:*

Reps. Boles, Howard, Moore, Penry, Trammell, Waggoner and Whatley.

—7

*Nays:*

Reps. Adams (H), Cheatwood, Dixon, Harper (T), Harrison, Nevett, Olive, Seibels and Wyatt.

—9

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### MESSAGE FROM THE SENATE

*Mr. Speaker:*

The Senate has concurred in and adopted the House amendment to the following Senate Bills:

S. 110. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes, and providing for the combining or abolishing of said offices.

*Also:*

S. 109. To establish and fix minimum salaries of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State; to abolish the fee system of compensation of such officials presently on a fee system; to provide for the method of payment of the salaries herein established; to provide for the personnel and other expenses necessary to the operation of such officials' offices; to provide that employees of the officials herein converted from a fee to a salary basis of compensation may continue their employment provided such employment commenced prior to passage of the Alabama Ethics Act; to provide for the payment of the fees, commissions and allowances paid to such officials presently on a fee system to be paid into the treasury from which their salaries are paid; to repeal all laws in conflict; and to establish the effective date of this Act.

McDOWELL LEE,  
Secretary.

### MESSAGE FROM THE SENATE

*Mr. Speaker:*

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 688. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational,

or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 688, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 25; Nays 0.

And said Bill, H. B. 688, together with the Executive amendment, is herewith returned to the House.

MCDOWELL LEE,  
Secretary.

#### SPECIAL ORDER RESUMED

And the bill:

S. 226. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further amendments.

Was taken up.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Kelley, the motion offered by Rep. Holley to temporarily postpone consideration of the bill, S. 226, was tabled.

Yeas 36; Nays 16.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Cabaniss, Carter, Cates, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Grouby, Harper (T), Hines, Holmes, Johnson (R. G.), McMillan, Moore, Nevett, Payne, Pegues, Penry, Riddick, Sandusky, Shoemaker, Smith (J), Stewart, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—36

*Nays:*

Reps. Adams (H), Albright, Brakefield, Cheatwood, Cooley, Ford, Harrison, Higginbotham, Holley, Howard, Johnson (Roy), Olive, Rains, Seibels, Smith (C) and Starkey.

—16

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 226, was read a third time at length and passed.

Yeas 42; Nays 5.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bedsole, Cabaniss, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hines, Holmes, Horn, Johnson (Roy), Kennedy, Langford, McKee, Nevett, Olive, Pegues, Reed, Riddick, Sandusky, Sasser, Stewart, Trammell, Turner, Venable, Ward, Wyatt and Zoghby.

—42

*Nays:* Reps. Brakefield, Cheatwood, Holley, Howard and Smith (C). —5

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 245. (With Amendment): To prohibit any municipality from acquiring any waterworks system, or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21; Sections 11-88-40 through 11-88-111; or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, without the consent of a majority of the members of the governing board of said corporation or association.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend Senate Bill 245, page 1, lines 6 and 7, after the word "acquiring" and before the word "any" by inserting the following words:

, or duplicating any services of,

Further amend Senate Bill, 245, page 1, line 18, after the word "acquiring" and before the word "any" by inserting the following words:

, or duplicating any services of,

Further amend Senate Bill 245, page 1, line 26, after the word "acquiring" and before the word "any" by inserting the following words:

, or duplicating any services of,

And the amendment was adopted.



Yeas 54; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Bedsole, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harvey, Hines, Holley, Holmes, Horn, Howard, McKee, McMillan, Manley, Nevett, Olive, Owens, Payne, Pegues, Rains, Ray, Reed, Riddick, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Wyatt and Zoghby.

—54

*Nays:* Rep. Hall.

—1

And the bill, S. 245 as amended, was read a third time at length and passed.

Yeas 57; Nays 4.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harrison, Harvey, Hines, Holmes, Horn, Kennedy, Laird, Langford, McKee, McMillan, Manley, Nevett, Olive, Owens, Payne, Pegues, Rains, Ray, Reed, Riddick, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Wyatt and Zoghby.

—57

*Nays:* Reps. Hall, Holley, Howard and Johnson (Roy).

—4

And the bill:

S. 369. To amend Section 3-1-10, Code of Alabama 1975, which provides criminal penalties for the unlawful, wanton, or malicious killing, disabling or injuring of animals or articles of value, of another; to raise the maximum fine to \$1,000.

Was read a third time at length and passed.

Yeas 53; Nays 5.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grouby, Hall, Hammett, Harvey, Holmes, Kelley, Kennedy, McKee, McMillan, Manley, Nevett, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Wyatt and Zoghby.

—53

*Nays:* Reps. Carothers, Holley, Minus, Oliver and Williams.

—5

And the bill:

S. 27. To amend Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to permit school boards to approve vacations during the school year for twelve month employees other than teachers in city and county schools.

Was read a third time at length and passed.

Yeas 49; Nays 14.

*Yeas:*

Reps. Adams (C), Adams (H), Albright, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Escott, Ford, Hall, Hammett, Harvey, Holley, Holmes, Howard, Johnson (Roy), Langford, McKee, McMillan, Minus, Nevett, Olive, Payne, Penry, Rains, Ray, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Warren and Wyatt.

—49

*Nays:*

Reps. Barton, Bedsole, Carothers, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Mitchell, Pegues, Sandusky, Sasser and Williams.

—14

And the bill:

S. 537. To require that group, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for outpatient services, and inpatient services if requested by the attending physician, rendered by duly qualified psychiatrists and psychologists of this State notwithstanding any provisions of the policies or contracts to the contrary.

Was taken up.

#### AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, S. 537:

On page 1, lines 12, and 26, after the word "psychiatrists" insert the following language:

, certified social workers

On page 1, line 37, after the comma, insert the following language:

or a duly qualified certified social worker,

On page 2, after line 14, insert the following language:

(c) For the purpose of this Act, a duly qualified certified social worker means, one who is duly licensed as a certified social worker in the state where the service is rendered and has a master's degree or doctorate in social work from a school of social work accredited by the Council on Social Work Education, and has had at least two years clinical experience in a recognized health setting, and has met the standards of one of the following: National Association of Social Work Register of Clinical Social Workers; the National Registry of Health Care Providers in Clinical Social Work; or certified by the Alabama State Board of Social Work Examiners for the Private Independent Practice of Clinical Social Work.

AMENDMENT TABLED

On motion of Rep. Hines, the amendment offered by Rep. Zoghby to the bill, S. 537, was tabled.

Yeas 47; Nays 16.

*Yeas:*

Mr. Speaker, Adams (H), Brakefield, Clark (G), Cobb, Coburn, Cosby, Daniels, Dial, Dixon, Drinkard, Gilmer, Goodwin, Gregg, Grouby, Hammett, Higginbotham, Hines, Holmes, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Patton, Payne, Pegues, Penry, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Ward, Warren, Whatley and Wyatt.

—47

*Nays:*

Reps. Bedsole, Bennett, Biddle, Boles, Buskey, Cooley, Edwards, Ford, Gafford, Harper (T), Harrison, Holley, Johnson (Roy), Rains, Stewart and Zoghby.

—16

And the bill, S. 537, was read a third time at length and passed.

Yeas 63; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Boles, Brakefield, Buskey, Clark (G), Cobb, Coburn, Cooley, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Hall, Hammett, Harper (T), Harvey, Higginbotham, Hines, Holley, Holmes, Johnson (Roy), Kennedy, Laird, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Ward, Warren, Wyatt and Zoghby.

—63

*Nay:* Rep. Daniels.

—1

And the bill:

S. 43. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

Was taken up.

AMENDMENT OFFERED

Rep. Adams (C) offered the following amendment to the bill, S. 43:

Amend Senate Bill 43, Page 2, in Section 2, Line 19, by striking the figure "1,200" and inserting in lieu thereof the figure "1,700" and in Line 30 after the phrase "county commission chairman" insert the phrase "municipal clerk" and in Line 35 after the phrase "county commission chairman" insert the phrase "municipal clerk".

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Hall, Hammett, Harper (T), Harvey, Higginbotham, Holley, Holmes, Johnson (Roy), Kennedy, Laird, McKee, McMillan, Manley, Mitchell, Moore, Nevett, Olive, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Williams and Wyatt.

—63

And the bill, S. 43 as amended, was read a third time at length and passed.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Johnson (Roy), Kennedy, Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Ward, Warren, Williams, Wyatt and Zoghby.

—71

And the bill:

S. 98. To amend Section 11-10-6, Code of Alabama, 1975, relative to the allowable interest rate on loans to county governing bodies in anticipation of the receipt of payments from the United States under the State and Local Fiscal Assistance Act of 1972 (31 U. S. C. Section 1221 et seq.); to delete the provisions for an allowable interest rate on such loans of eight percent per annum.

Was read a third time at length and passed.

Yeas 66; Nays 4.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Boles, Brakefield, Carothers, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer,

Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Higginbotham, Hines, Holmes, Johnson (R. G.), Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Pegues, Penry, Ray, Reed, Riddick, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—66

*Nays:* Reps. Gregg, Holley, Rains and Stout.

—4

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Gafford to suspend the rules in order to take up out of order the bill, S. 510, was lost.

And the bill:

S. 198. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education, except in Walker and Blount Counties.

Was taken up.

#### MOTION TO TEMPORARILY POSTPONE

Rep. Cates offered the motion to temporarily postpone consideration of the bill, S. 198.

#### MOTION TO TABLE LAST

The motion offered by Rep. Sasser to table the motion to postpone offered by Rep. Cates, was lost.

Yeas 20; Nays 31.

*Yeas:*

Reps. Bennett, Brakefield, Carothers, Cheatwood, Clark (G), Cobb, Gafford, Gilmer, Grimsley, Hammett, Harvey, Johnson (R.G.), Johnson (Roy), Minus, Mitchell, Seibels, Smith (C), Smith (J), Starkey and Williams.

—20

*Nays:*

Rep. Albright, Barton, Bedsole, Cates, Coburn, Cooley, Cosby, Dial, Edwards, Gregg, Grouby, Hall, Harper (T), Hines, Holley, Langford, Letson, Lewis, McMillan, Moore, Olive, Owens, Pegues, Penry, Rains, Shoemaker, Stewart, Turner, Warren, Whatley and Wyatt.

—31

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### S. 198 TEMPORARILY POSTPONED

The question was then on the motion offered by Rep. Cates to temporarily postpone the bill, S. 198, and the motion was adopted.

Yeas 43; Nays 22.

*Yeas:*

Reps. Adams (H), Albright, Barton, Bedsole, Brakefield, Clark (G), Coburn, Cooley, Cosby, Dial, Edwards, Gafford, Gregg, Grouby, Hall, Harper (T), Harvey, Holley, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Olive, Owens, Pegues, Penry, Rains, Ray, Sandusky, Seibels, Shoemaker, Starkey, Trammell, Turner, Venable, Warren, Whatley and Zoghby.

—43

*Nays:*

Reps. Amari, Bennett, Boles, Carothers, Carter, Cobb, Daniels, Dixon, Escott, Gilmer, Grimsley, Hammett, Johnson (Roy), McKee, Sasser, Smith (C), Smith (J), Stewart, Waggoner, Ward, Williams and Wyatt.

—22

And the bill:

S. 212. (With Amendment): To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend Senate Bill No. 212, Page 1, in the synopsis, in Line 6, by striking the phrase "to remove the limitations" and to insert in lieu thereof "to authorize an increase", and in the title on Page 1, Line 24, after the word "as" strike the phrase "to remove the limitations of" and to insert in lieu thereof the phrase "to authorize an increase in".

And the amendment was adopted.

Yeas 34; Nays 6.

*Yeas:*

Reps. Boles, Carter, Cheatwood, Clark (G), Coburn, Cooley, Edwards, Gilmer, Grimsley, Grouby, Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Laird, Letson, McMillan, Minus, Moore, Owens, Penry, Sasser, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Ward, Warren, Williams, Wyatt and Zoghby.

—34

*Nays:* Reps. Albright, Barton, Hall, Harper (T), Pegues and Rains. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 212 as amended, was read a third time at length and passed.

Yeas 44; Nays 9.

*Yeas:*

Reps. Adams (H), Bedsole, Boles, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Daniels, Dixon, Edwards, Ford, Grimsley, Grouby, Harvey, Hines, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Moore, Owens, Penry, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Ward, Warren, Williams, Wyatt and Zoghby.

—44

*Nays:*

Reps. Gilmer, Hall, Harper (T), Holley, Johnson (Roy), Lewis, Olive, Rains and Whatley.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES

Rep. Holley offered the motion to suspend the rules and take up out of order the bill, S. 195.

DIVISION OF THE QUESTION

Rep. Sasser called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holley to suspend the rules, and the motion was lost.

Yeas 30; Nays 32.

*Yeas:*

Reps. Adams (H), Albright, Boles, Brakefield, Buskey, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Crow, Drinkard, Ford, Hall, Harvey, Holley, Holmes, Johnson (Roy), Kennedy, Langford, Minus, Owens, Rains, Reed, Shoemaker, Starkey, Turner, Whatley and Wyatt.

—30

*Nays:*

Reps. Barton, Bedsole, Biddle, Cabaniss, Carothers, Clark (G), Cosby, Daniels, Dixon, Gafford, Gilmer, Gregg, Grimsley, Hammett, Harper (T), Hines, Lewis, McKee, McMillan, Mitchell, Olive, Patton, Payne, Pegues, Riddick, Sandusky, Sasser, Seibels, Stewart, Ward, Williams and Zoghby.

—32

And the bill:

S. 213. (With Amendments): To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend S. B. 213 by striking the Cook Amendment.

And the amendment was adopted.

Yeas 41; Nays 4.

*Yeas:*

Reps. Barton, Bedsole, Carter, Cheatwood, Cobb, Coburn, Cooley, Daniels, Dixon, Drinkard, Edwards, Grimsley, Grouby, Hammett, Harvey, Hines, Holmes, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Mitchell, Olive, Owens, Penry, Rains, Riddick, Seibels, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Ward, Whatley, Williams, Wyatt and Zoghby.

—41

*Nays:* Reps. Gilmer, Harper (T), Holley and Johnson (Roy).

—4

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend Senate Bill No. 213, Page 1, Line 6, in the synopsis, by deleting the phrase "to remove the limitations" and to substitute in lieu thereof the phrase "to authorize an increase";

Further, amend Senate Bill No. 213, in the title, Line 19, by deleting the phrase "to remove the limitation" and to substitute in lieu thereof the phrase "to authorize an increase";



Further, amend Senate Bill No. 213, Page 2, Line 30, by inserting the word "sum" after the word "such", and on Line 31 by deleting the words "monthly salary", and on line 32, after the word "reasonable" insert the words "but not to exceed \$600.00 per month, except in cases where the governing body, board or municipal corporation requires the full time services of the mayor as superintendent of such system or systems, in which event he may be paid not exceeding \$1200.00 per month for such service."

And the amendment was adopted.

Yeas 43; Nays 5.

*Yeas:*

Reps. Barton, Bedsole, Carothers, Carter, Cobb, Coburn, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Gilmer, Grimsley, Grouby, Hammett, Harvey, Hines, Holmes, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Nevett, Owens, Pegues, Penry, Ray, Riddick, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Ward, Warren, Wyatt and Zoghby.

—43

*Nays:* Reps. Harper (T), Holley, Johnson (Roy), Olive and Rains.

—5

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 213 as amended, was read a third time at length and passed.

Yeas 54; Nays 7.

*Yeas:*

Reps. Adams (H), Barton, Bedsole, Carothers, Carter, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Grimsley, Grouby, Hammett, Harvey, Hines, Holmes, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Minus, Nevett, Owens, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Ward, Warren, Williams, Wyatt and Zoghby.

—54

*Nays:*

Reps. Gilmer, Hall, Harper (T), Holley, Johnson (Roy), Lewis and Olive.

—7

#### RESOLUTION

The following resolution was introduced:

By Reps. Smith (C), Owens, Moore, Waggoner, Biddle, Lewis and Bennett:

H. J. R. 431. COMMENDING DR. JAMES F. VICKREY, JR., AND DR. JOE BRINDLEY, OF THE UNIVERSITY OF MONTEVALLO

WHEREAS, for the past several years, Dr. James F. Vickrey, Jr., Dr. Joe Brindley, staff members and faculty members, on behalf of the University of Montevallo, have presented members of the legislature and local civic officials with mementos of unique design and creativity; and

WHEREAS, Dr. Vickrey and Dr. Brindley, have used such discarded materials as old nails, bricks, wood framing and glass from the State Capitol in Montgomery to design plaques, gavels, framed certificates and other token gifts, each accompanied by an appropriate slogan or clever phrase; and

WHEREAS, though nominal in cost, these gifts are especially treasured both for the historical significance of the materials used and for the originality of their design; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. James F. Vickrey, Jr., President of the University of Montevallo and Dr. Joe Brindley, Director of Public Affairs and executive assistant to the president, for their creative and thoughtful expressions of appreciation.

BE IT FURTHER RESOLVED, That Dr. Vickrey and Dr. Brindley receive copies of this resolution that they may know of our warm praise and of our utmost regard for them and for the outstanding educational institution they represent.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 431, was adopted

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, the rules were suspended in order to take up out of order the bill, S. 45.

Yeas 60; Nays 6.

*Yeas:*

Reps. Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Brakefield, Buskey, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gregg, Grouby, Hall, Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Wyatt and Zoghby.

—60

*Nays:* Reps. Gilmer, Hammett, Lewis, Manley, Olive and Seibels. —6

And the bill:

S. 45. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said sections so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman and has previously withdrawn from service may retire upon written application to the board of control setting at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control

shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

Was read a third time at length and passed.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Williams, Wyatt and Zoghby.

—74

And the bill:

S. 158. To amend Section 12-16-9 of the Code of Alabama, 1975, to remove the requirement that the accused and his counsel and also the prosecuting attorney in any noncapital felony case consent in open court before the trial court may permit the jury to separate during the pendency of a trial.

Was read a third time at length and passed.

Yeas 47; Nays 4.

*Yeas:*

Reps. Adams (H), Albright, Barton, Carothers, Carter, Cheatwood, Cooley, Cosby, Dial, Drinkard, Ford, Gilmer, Gregg, Grimsley, Hall, Hammett, Harper (T), Harvey, Hines, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, McMillan, Minus, Nevett, Patton, Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Ward, Warren, Williams, Wyatt and Zoghby.

—47

*Nays:* Reps. Brakefield, Holley, Olive and Rains.

—4

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### RECESS

On motion of Rep. Holley, the House stood in informal recess to the call of the Chair.

#### HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 153. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 9.

And said Bill, H. B. 153, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 9.

And said Bill, H. B. 153, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

## PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Letson would have voted yea on the passage of the bill, H. 153 with Executive amendment, had he been in the Chamber at the time of voting.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 480. To provide a fifteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1983.

by a majority of the whole number elected to the Senate, said vote being Yeas 29, Nays 5.

And said Bill, H. B. 480, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 31, Nays 3.

And said Bill, H. B. 480, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

## REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 408. COMMENDING THE ATLANTA BRAVES.

On motion of Rep. Biddle, the resolution, H. J. R. 408, was adopted.

Also:

S. J. R. 291. CONGRATULATING THE ATLANTA BRAVES.

On motion of Rep. Biddle, the resolution, S. J. R. 291, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 151. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

by a majority of the whole number elected to the Senate, said vote being Yeas 32, Nays 2.

And said Bill, H. B. 151, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 32, Nays 2.

And said Bill, H. B. 151, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carter, the rules were suspended in order to take up out of order, the bill, S. 14.

Yeas 59; Nays 0.

Yeas:

Reps. Albright, Bedsole, Biddle, Buskey, Carothers, Carter, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Warren, Williams and Zoghby.

—59

And the bill:

S. 14. To establish the Alabama Recreation Capital Development Assistance Fund Program; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

Was read a third time at length and passed.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Dixon, Edwards, Escott, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Williams and Zoghby.

—70

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Bedsole to suspend the rules in order to take up out of order the bill, S. 366, was lost, lacking a four-fifths vote.

Yeas 40; Nays 12.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bowling, Brakefield, Cates, Cosby, Dixon, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Hines, Johnson (R. G.), Kennedy, Letson, Lewis, McMillan, Nevett, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shoemaker, Smith (J), Stewart, Turner, Venable, Warren and Zoghby.

—40

*Nays:*

Reps. Albright, Cheatwood, Cobb, Cooley, Hall, Harvey, Holley, Holmes, Johnson (Roy), Olive, Smith (C) and Wyatt.

—12

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### REPORT OF THE STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirtieth legislative day and finds the same to be correct.

JACK BIDDLE, III,  
Chairman.

On motion of Rep. Manley, the rules were suspended and the reading at length of the Journal of the House for the thirtieth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirtieth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has carefully examined the following House Bill to-wit:

H. 153. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1983.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 699. To amend Section 41-9-73 of the Code of Alabama 1975, as amended, relating to annual appropriations for the state board of adjustment so as to provide further for such appropriations.

Also:

H. 722. To amend Section 16-13-211 of the Code of Alabama 1975, which relates to warrant anticipation notes issued by local boards of education and borrowing money in anticipation of the issuance of such warrants, so as to provide that notes issued by a board of education in anticipation of the issuance of warrants may bear such rate or rates of interest as the board of education issuing such notes may provide in the proceedings wherein the notes are authorized to be issued.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 150. To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983 and to provide that certain employees shall be brought up to the normal step under the state pay plan and to appropriate funds.

by a majority of the whole number elected to the Senate, said vote being Yeas 32, Nays 0.

And said Bill, H. B. 150, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 34, Nays 0.

And said Bill, H. B. 150, together with Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 245. To prohibit any municipality from acquiring, or duplicating any services of, any waterworks system, or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194 Sections 11-88-1 through 11-88-21; Sections 11-88-40 through 11-88-111; or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, without the consent of a majority of the members of the governing board of said corporation or association.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 205. To amend Sections 32-6-254 and 32-6-250, Code of Alabama 1975, relating to Medal of Honor Recipients and Prisoners of War distinctive license plates, so as to provide that said plates shall be permanent and that certain allied prisoners of war shall receive said plates.

Also:

H. 474. To amend Section 15-9-2, Code of Alabama 1975, which relates to the authority of municipalities to offer rewards so as to increase the limit on such rewards from \$200.00 to \$3,000.000, and to further authorize such municipalities to honor any offers of reward not exceeding \$3,000.00 made prior to the effective date of this Act.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 150. To provide a salary increase for certain state employees for the fiscal year ending September 30, 1983 and to provide that certain employees



shall be brought up to the normal step under the state pay plan and to appropriate funds.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 688. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 430. DESIGNATING ACT NO. 82-328, H. B. 300, OF THE 1982 REGULAR SESSION, "THE CAROTHERS-MARTIN BILL"

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 278. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state or other appropriate official at the same time set by law in Section 17-16-11, Code of Alabama 1975, for candidates in primary elections to qualify a list of the signatures of at least one percent of the electors who cast ballots in the state, district, county or other political subdivision in which the political party seeks to qualify candidates for office, and unless the party shall have fulfilled all other applicable requirements of federal, state or local laws.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 699. To amend Section 41-8-73 of the Code of Alabama 1975, as amended, relating to annual appropriations for the state board of adjustment so as to provide further for such appropriations.

Also:

H. 722. To amend Section 16-13-211 of the Code of Alabama 1975, which relates to warrant anticipation notes issued by local boards of education and borrowing money in anticipation of the issuance of such warrants, so as to provide that notes issued by a board of education in anticipation of the issuance of warrants may bear such rate or rates of interest as the board of education issuing such notes may provide in the proceedings wherein the notes are authorized to be issued.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 480. To provide a fifteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1983.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 205. To amend Sections 32-6-254 and 32-6-250, Code of Alabama 1975, relating to Medal of Honor Recipients and Prisoners of War distinctive license plates, so as to provide that said plates shall be permanent and that certain allied prisoners of war shall receive said plates.

Also:

H. 474. To amend Section 15-9-2, Code of Alabama 1975, which relates to the authority of municipalities to offer rewards so as to increase the limit on such rewards from \$200.00 to \$3,000.00 and to further authorize such municipalities to honor any offers of reward not exceeding \$3,000.00 made prior to the effective date of this Act.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 151. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1983.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 143. CREATING THE LEGISLATIVE JOINT INTERIM STUDY COMMITTEE ON PRISON WORK-RELEASE PROGRAMS.

Also:

H. J. R. 157. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELE-

PHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

Also:

H. J. R. 214. COMMENDING DENNIS GARRETT, WINTERBORO HIGH SCHOOL, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 218. EXTENDING BEST WISHES TO MR. AND MRS. OTIS KENT ON THE OCCASION OF THEIR 62ND WEDDING ANNIVERSARY.

Also:

H. J. R. 224. NAMING THE NEW BRIDGE WHICH CONNECTS COLBERT AND LAWRENCE COUNTIES, THE "JOE PATTERSON BRIDGE."

Also:

H. J. R. 255. DESIGNATING MAY 1, 1982, AS CONSTITUTION HALL PARK DAY.

Also:

H. J. R. 261. CONGRATULATING MRS. ESTELLE SCROGGIN SMITH OF CHEROKEE COUNTY, ALABAMA, ON HER 90TH BIRTHDAY.

Also:

H. J. R. 262. NAMING THE BRIDGE ON HIGHWAY 68 IN CEDAR BLUFF, ALABAMA, "COBIA'S BRIDGE."

Also:

H. J. R. 263. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL WRESTLING TEAM FOR THEIR RECENT WINNING SEASON.

Also:

H. J. R. 264. COMMENDING THE PINSON VALLEY HIGH SCHOOL WRESTLING TEAM FOR WINNING ITS THIRD STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

Also:

H. J. R. 272. COMMENDING DR. LEON DAVIS, OF MONTEVALLO, ALABAMA, ON BECOMING A PRESIDENT OF THE NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS.

Also:

H. J. R. 273. COMMENDING THE LIVINGSTON UNIVERSITY LADY TIGERS BASKETBALL TEAM FOR WINNING THEIR SECOND CONSECUTIVE AIAW SOUTHERN DIVISION CHAMPIONSHIP.

Also:

H. J. R. 277. COMMENDING THE JACKSONVILLE STATE UNIVERSITY MARCHING BAND.

Also:

H. J. R. 278. URGING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION TO REVIEW AND RESTRUCTURE ITS RULES AND REGULATIONS GOVERNING STUDENT ATHLETES WITHIN THE ASSOCIATION'S PURVIEW.

Also:

H. J. R. 280. MOURNING THE DEATH OF MR. L. C. KIRK PAYNE, FORMER MAYOR OF ALABASTER, ALABAMA.

Also:

H. J. R. 282. URGING THE HONORABLE FOB JAMES AND COMMISSIONER JOHN McMILLAN TO CANCEL IMPLEMENTATION OF CERTAIN OPPRESSIVE RULES AND REGULATIONS RELATING TO FINFISH FISHING AND TO ALLOW INPUT BY CITIZENS AFFECTED.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 285. COMMENDING THE ESTABLISHMENT OF THE "NATIONAL BAND ASSOCIATION HALL OF FAME OF DISTINGUISHED PERSONS" AT TROY STATE UNIVERSITY.

Also:

H. J. R. 287. EXPRESSING APPRECIATION OF THE LEGISLATURE TO MR. CARL ELLIOTT, A DISTINGUISHED ALABAMIAN.

Also:

H. J. R. 292. NAMING THE COOSA RIVER BRIDGE IN POLLARD'S BEND, CHEROKEE AND ETOWAH COUNTIES, ALABAMA, "THE GUY HIGGINS-MORRIS L. NELSON BRIDGE."

Also:

H. J. R. 298. COMMENDING DOCTOR DONALD E. DAVIS FOR HIS SERVICES TO AUBURN UNIVERSITY.

Also:

H. J. R. 307. COMMENDING MR. B. B. WILLIAMSON OF LIVINGSTON, ALABAMA, ON HIS MANY YEARS OF SERVICE TO THE COMMUNITY AND THE STATE.

Also:

H. J. R. 309. CONGRATULATING MRS. MARY ELEANOR (NELL) COE OF JACKSON COUNTY, ALABAMA, ON HER UPCOMING 93RD BIRTHDAY.

Also:

H. J. R. 311. COMMENDING MISS CANDICE HEMPHILL, GOVERNOR OF THE 1982 ALABAMA Y. M. C. A. YOUTH LEGISLATURE.

Also:

H. J. R. 312. COMMENDING SELMA HIGH SCHOOL'S DEBATE TEAM, 1982 STATE CHAMPIONS.

Also:

H. J. R. 313. RECOGNIZING COACH LUTHER McKENDREE YOUNG FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

H. J. R. 314. COMMENDING MR. WILLIS CARL MATHEWS UPON HIS RETIREMENT FROM THE DOBBS MANUFACTURING COMPANY OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 315. COMMENDING COLONEL GORDON "JACK" MOHR OF BAY SAINT LOUIS, MISSISSIPPI, A DISTINGUISHED PATRIOT AND PROMINENT FUNDAMENTAL BAPTIST EVANGELIST.

Also:

H. J. R. 316. HONORING MRS. ALVA CRAIG WOLF UPON HER RETIREMENT AS COORDINATOR OF THE SPEECH THERAPY PROGRAM OF THE MONTGOMERY PUBLIC SCHOOLS.

Also:

H. J. R. 317. COMMENDING THE JOHN T. MORGAN ACADEMY DEBATE TEAM, 1982 STATE NOVICE CHAMPIONS.

Also:

H. J. R. 319. COMMENDING MISS EVELYN CHRISTINE STRUCK OF HUNTSVILLE ON CONTINUING OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 320. COMMENDING DR. MARIE L. O'KOREN, DEAN AND PROFESSOR, SCHOOL OF NURSING, UNIVERSITY OF ALABAMA IN BIRMINGHAM, ON HER TENTH ANNIVERSARY OF DISTINGUISHED SERVICE.

Also:

H. J. R. 327. MOURNING THE DEATH OF MR. ROBERT BRYANT STRONG OF AUBURN, ALABAMA.

Also:

H. J. R. 330. EXPRESSING APPRECIATION TO THE ALABAMA SYMPHONY ORCHESTRA FOR COURTESIES EXTENDED TO THE LEGISLATURE.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF THE HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 291. CONGRATULATING THE ATLANTA BRAVES.

Also:

S. J. R. 292. DESIGNATING H. B. 320 AND S. B. 236, OF THE 1982 REGULAR SESSION, "THE REED—MARTIN BILLS".

Also:

S. 14. To establish the Alabama Recreation Capital Development Assistance Fund Program; to define the terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

Also:

S. 27. To amend Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to permit school boards to approve vacations during the school year for twelve month employees other than teachers in city and county schools.

Also:

S. 45. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing



thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

Also:

S. 68. TO AMEND TITLE 16, SECTION 27, SUB-SECTION 4, OF THE CODE OF ALABAMA, 1975 SO AS TO LOWER THE NUMBER OF TRAINING SESSION HOURS REQUIRED FOR RENEWAL OF SCHOOL BUS DRIVER LICENSES FROM SIX HOURS TO FOUR HOURS.

Also:

S. 82. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the State Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

Also:

S. 98. To amend Section 11-10-6, Code of Alabama, 1975, relative to the allowable interest rate on loans to county governing bodies in anticipation of the receipt of payments from the United States under the State and Local Fiscal Assistance Act of 1972 (31 U. S. C. Section 1221 et seq.); to delete the provisions for an allowable interest rate on such loans of eight percent per annum.

Also:

S. 109. To establish and fix minimum salaries of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State; to abolish the fee system of compensation of such officials presently on a fee system; to provide for the method of payment of the salaries herein established; to provide for the personnel and other expenses necessary to the operation of such officials' offices; to provide that employees of the officials herein converted from a fee to a salary basis of compensation may continue their employment provided such employment commenced prior to passage of the Alabama Ethics Act; to provide for the payment of the fees, commissions and allowances paid to such officials presently on a fee system to be paid into the treasury from which their salaries are paid; to repeal all laws in conflict; and to establish the effective date of this Act.

Also:

S. 158. To amend Section 12-16-9 of the Code of Alabama, 1975, to remove the requirement that the accused and his counsel and also the prosecuting attorney in any noncapital felony case consent in open court before the trial court may permit the jury to separate during the pendency of a trial.

Also:

S. 179. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State enacted during the 1981 Regular Session of the legislature as contained in the 1981 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 the Alabama Business Corporation Act of 1980 as contained in Chapter 2A of Title 10 of the 1980 Replacement Volume 7 of the Code and the 1981 Cumulative Supplement thereto, and to make certain corrections in Chapter 2A of Title 10 of such Volume 7.

Also:

S. 221. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to employees who are employed full-time by the State of Alabama.

Also:

S. 226. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further amendments.

Also:

S. 244. To provide that full-time employees and executive officers of the Alabama Vocational Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Also:

S. 245. To prohibit any municipality from acquiring, or duplicating any services of, any waterworks system, or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194 Sections 11-88-1 through 11-88-21; Sections 11-88-40 through 11-88-111; or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, without the consent of a majority of the members of the governing board of said corporation or association.

Also:

S. 333. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

Also:

S. 369. To amend Section 3-1-10, Code of Alabama 1975, which provides criminal penalties for the unlawful, wanton, or malicious killing, disabling or injuring of animals or articles of value, of another; to raise the maximum fine to \$1,000.

Also:

S. 422. To amend Section 12-13-20, Code of Alabama, 1975, relating to the compensation of certain probate judges so as to provide further for the minimum compensation for such officials.

Also:

S. 537. To require that group, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for outpatient services, and inpatient services if requested by the attending physician, rendered by duly qualified psychiatrists and psychologists of this State notwithstanding any provisions of the policies or contracts to the contrary.

Also:

S. 110. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes, and providing for the combining or abolishing of said offices.

Also:

S. 502. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

April 28, 1982

Honorable Don Siegelman  
Secretary of State  
Room 105, State Capitol  
Montgomery, Alabama 36130

Dear. Mr. Siegelman:

Pursuant to H. J. R. 386 of the Regular Session of the Alabama Legislature, 1982, I am returning H. J. R. 165 of the Regular Session, 1982.

I am also returning S. B. 32, Act 81-889 at your request in your letter of April 19, 1982, pursuant to the requirement of Sections 29-1-14, 29-1-15, 29-1-16, and 36-14-1, Code of Alabama, 1975.

Sincerely,  
JOHN W. PEMBERTON,  
Clerk.

#### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department.

H. 278

H. 329

H. 331

H. 480

H. 668

H. 28

H. 75

H. 100

H. 283

H. 289

H. 301

H. 519

H. 362

H. 73

H. J. R. 369

H. J. R. 375

H. J. R. 376

H. J. R. 377

H. J. R. 379

H. J. R. 381

H. J. R. 382

H. J. R. 388

H. J. R. 391

H. J. R. 392

H. J. R. 393

H. 9

H. 134

H. 221

H. 618

H. 633

H. 565

H. 640

H. 687

H. 725  
H. 265  
H. 777  
H. 108  
H. J. R. 114  
H. J. R. 306  
H. 781  
H. 782  
H. 799  
H. 811  
H. 812  
H. 816  
H. 822  
H. 678 (Ex. Amdt)  
H. 61  
H. 240  
H. 305  
H. 383  
H. 768  
H. 796  
H. J. R. 420  
H. 780  
H. 783  
H. 60  
H. 133  
H. 204  
H. 241  
H. 755  
H. 754  
H. 813  
H. J. R. 399  
H. J. R. 401  
H. J. R. 402  
H. J. R. 404

H. J. R. 405  
H. J. R. 409  
H. J. R. 411  
H. J. R. 424  
H. 10  
H. 41  
H. 320  
H. 528  
H. J. R. 386  
H. 788  
H. 616 (C. A.)  
H. 125  
H. 253  
H. 339  
H. 538  
H. 609  
H. 745  
H. 150 (Ex. Amdt)  
H. 688 (Ex. Amdt)  
H. J. R. 430  
H. 278 (Ex. Amdt)  
H. 699  
H. 722  
H. 480 (Ex. Amdt)  
H. 205  
H. 474  
H. J. R. 143  
H. J. R. 157  
H. J. R. 214  
H. J. R. 218  
H. J. R. 224  
H. J. R. 255  
H. J. R. 261  
H. J. R. 262  
H. J. R. 263

REGULAR SESSION  
30th Day

2321

H. J. R. 264  
H. J. R. 272  
H. J. R. 273  
H. J. R. 277  
H. J. R. 278  
H. J. R. 280  
H. J. R. 282  
H. J. R. 285  
H. J. R. 287  
H. J. R. 292  
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H. J. R. 307  
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H. J. R. 315  
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H. J. R. 317  
H. J. R. 319  
H. J. R. 320  
H. J. R. 327  
H. J. R. 330  
H. 153 (Ex. Amdt)  
H. 151 (Ex. Amdt)

JOHN W. PEMBERTON,  
Clerk.

HOUSE OF REPRESENTATIVES  
LOBBYIST REGISTRATION  
REGULAR SESSION 1982

NAME

PRINCIPAL

Mary Jane Akel

Alabama Education Association

Dawn H. Akers

Electronic Data Systems

Claude F. Allison

Alabama LP Gas Association

Doug Amos	Alabama League of Savings Associations
Jerry B. Andrews	Alabama Rural Electric Association
J. Knox Argo	America Insurance Association Tobacco Institute Motion Picture Association of America DeHart and Associates
Richard H. Arrington	Southern and Railway Company
C. E. Avinger	Alabama Bankers Association
George F. Bailey, Jr.	Alabama Railroad Association
Melvin A. Bailey	Continental Telephone Company of South
Samuel Eason Balch, Jr.	Alabama Power Company
Jon D. Barganier	Alabama Pharmaceutical Association
Eugene A. Baril	General Telephone Company of the Southeast
Elizabeth Barker	Alabama State Nurses Association
C. W. Bates	United States Pipe & Foundry Company Jim Walter Resources
J. Robert Benton	Wine Institute
Joseph P. Bethea	Chevron U. S. A., Inc. Standard Oil Company
Joanna Bivin	Self
Robert C. Boone	Gulf Oil Corporation
Robert M. Bowick	3M Center
James B. Brand, Jr.	Associated Industries of Alabama
Gerald H. Bishop	Fraternal Order of Police
Joe Brindley	University of Montevallo
David C. Brown	University of North Alabama
Charles W. Burke	Distilled Spirits Council of U. S., Inc.
A. A. Burks	Alabama A & M University
Amy K. Burks	Alabama Education Association
Rae Burnett	Self
Linda Butler	Modern Banking Association of Alabama
Pete Butler	Alabama State Employees Association
James W. Cameron	Waste Management, Inc. Alabama Automobile Dismantlers and Recycler's Association United Gas Pipe Line Company Retired Military Personnel of Alabama
Bruce Carr	Laborers International Union



James E. Carter	Alabama Education Association
Al Chamlee	Ciba-Geigy
Thomas J. Chapman, Jr.	Continental Telephone Company of the South
Lamar Chastain	United Steel Workers of America
William F. Chestnutt	Union Camp Corporation
Martin William Christie	Jim Walter Corporation U. S. Pipe and Foundry
Wallace D. Clements	International Brotherhood of Teamsters
John W. Cloud	Self Alabama Peace Officers Association
William J. Cobb	South Central Bell
Thomas L. Coleman, Jr.	Alabama Department of Public Safety Governor's Office
Cherie E. Colquett	Alabama State Council on the Arts
Robert Cook, Jr.	Birmingham Fire Fighters Association
Elight Cooper	Teamsters Union No. 991
B. J. Crawford	Alabama Power Company
Fred Crawford	Alabama Hospital Association
Warren B. Crow, III	Alabama Independent Insurance Agents
Jerry W. Crowder	Self
R. J. Cunningham	Alabama Association of Life Underwriters Alabama Hotel/Motal Association Alabama Travel Council Professional Insurance Agents Association of Alabama Alabama Crushed Stone Association Telpage Alabama Automatic Merchandizing Council Alabama Beverage Licenses Association
Glenn DaGian	AMOCO
Milo Dakin	Alabama Consumer Finance Association
Thomas R. Dart	Alabama Petroleum Council
James Rudolph Davidson	University of Alabama in Birmingham
Janet I. Davis	Alabama Education Association
Kendall P. Dexter	MacMillan Bloedel, Inc.
John H. Dorrill, Jr.	Alabama Farm Bureau Federation
Jack F. Douglas	Alabama Citizens Action Program
Fred Draper	Alabama Nursing Home Association
Billy S. Dykes	Alabama Education Association

Mitchael E. Eader	Alabama Association of School Boards
Tom Eden	Alabama Textile Manufacturers Association
Francis S. Falkenburg	Direct Oil Corporation Office Prosecution Services Computer Election Systems Consolidated Freightways
Joe Fine	Drummond Coal Company
Robert Finley	Alabama Department of Public Health
N. H. Flanagan	United Transportation Union
P. B. Ford, Jr.	Alabama Lenders
James Allen Foster	Alabama Education Association
Yvonne G. Foster	Alabama Education Association
Clarence Frost	AFL-CIO
Robert Earl Gaines	Alabama Education Association
Thomas T. Gallion, III	American Mutual Insurance Alliance
Shirley Jean Gean	Alabama Education Association
Ann Webb Gholson	Planned Parenthood of Alabama
Dail Gibbs	Alabama Rural Electric Association
Donald J. Gibson	Troy State University
Don J. Gilbert	Alabama Independent Bankers Alabama Trial Lawyers Association
Joe H. Goldman	Aluminum Company of America
Michael G. Graffeo	City of Birmingham
William B. Grant	Alabama Chiropractors Association
James A. Gray	Alabama Road Builders Association, Inc.
William L. Green	Alabama By-Products Corporation
James H. Groome	Mead Corporation
Robert W. Gwin	Self
Philip G. Hallam	Alabama Wholesale Beer & Wine Association
D. N. Hamilton	Alabama League of Municipalities Am Rec Insurance Association Jim Walter Corporation South Alabama State Fair Association Alabama State Nurses Association
John Peter Hansen	Alabama Pharmaceutical Association
James Taylor Hardin	Central Bank of the South-Montgomery 3M Corporation
Robert L. Harper	Birmingham Regional Hospital Council
Sentell Harper	Reynolds Metal

James D. Harris, Jr.	Association of Alabama Life Insurance Companies
Roosevelt A. Harris	Alabama Education Association
Charles R. Hartsell	Blue Cross/Blue Shield of Alabama
Debra H. Holley	Alabama Association of School Boards
Daniel Holsenbeck	Auburn University
Paul Hubbert	Alabama Education Association
Fred Hendrix Hughes	Alabama Education Association
Robert T. Hydrick	The Mead Corporation
Dennis L. Ireland	ALCAP
G. I Jackson	Alabama Political & Legislative Com.
Ann S. James	Alabama Congress of Parents & Teachers
Mays R. Jemison	Shredder's, Inc.
Linda B. Jenkins	Alacaid
John B. Johnson	Alabama Petroleum Council
J. Reese Johnston, Jr.	Jefferson County
Allen T. Jolley	American Federation of Teachers
James V. Jordan, III	Southern Natural Gas Company
Jane L. Katz	League of Women Voters of Alabama National Association of Social Workers Interior Designers
Frances Kearley	Alabama Education Association
H. Boyd Kelly	Alabama Forestry Association
Michael P. Kelly	Self
Robert E. L. Key	Circuit Judges Association
Hardie B. Kimbrough	Alabama Association of Circuit Judges
Loretta Knight	Alabama Education Association
William A. Knipe	Self
Edwin K. Livingston	Alabama Tax Assessors & Collectors
Wilburn R. Lollar	United Mine Workers of America
F. Thomas Longerbeam	Motor Vehicle Manufacturers Association
James E. Lowden, Jr.	Alabama Christian Education Association
Wilbur R. Lumpkin	Wickliff Venard Memorial Committee
Douglas M. McBee	Fraternal Order of Police
Murray P. McCluskey	Council for the Advancement of Private Colleges in Alabama Alabama Podiatry Association

Steven Gregory McGarr	Building Material Merchants Association
Tom McGregor	Alabama Gas Corporation
Stewart P. McLaurin	Food Industries of Alabama
Wayne McMahan	Alabama Dental Association
Richard Carlos McMinn, Jr.	F. O. P. Lodge 64
Edgar Randall McRae, Jr.	Alabama Chamber of Commerce
Fletcher Martin	Alabama Rural Electric Association
Robert A. Martin	Administrative Office of Courts
Jeffrey D. Masters	Associated Builders & Contractors, Inc.
H. A. Mawhinney, Jr.	Alabama Wholesale Beer & Wine Association
Marshall Meadows	United Steelworkers of America
Largent M. Miller	Alabama-Mississippi Independent Telephone Association
Gilbert Mobley	Associated Industries of Alabama
Marie L. Moore	Alabama Alliance of Allied Health
Jackie G. Morgan	Alabama Education Association
Wendell W. Mitchell	Alabama Bankers Association Production Credit Association of Alabama Alabama State Employees Association
Elaine Murphy	Alabama Retired Teachers Association
Joseph C. Murphy	Alabama Education Association
William P. Murray	Birmingham Fire Fighters Local 117
James Williams Myers	A. H. Robins Company
Rebecca J. Neira	Alabama Education Association
Katherine B. Newman	Alabama Education Association
Lloyd Nix	Communication Workers of America
Bill O'Connor	Alabama Press Association
William G. O'Rear	Mid Continent Oil & Gas Association
William G. Parker	Alabama Education Association
Milton K. Parsons	Alabama Farm Bureau Federation
T. Dudley Perry	Alabama State Policemen's Association Probate Judges Metropolitan Life Insurance Company
A. G. Pinion	Pacific Intermountain Express
W. T. Pouncy	Brotherhood of Maintenance of Way Employee
Diane G. Pounders	Alabama Farm Bureau Federation
Jerry A. Powell, Jr.	Alabama Nursing Home Association

Nanette Pregno	United Transportation Union
Claude S. Prier	Fraternal Order of Police
Terry Pruitt	Alabama State Employees Association
Randy Quinn	Alabama Association of Schools Boards
Betty Rainer	Alabama Education Association
Smith Rea, Jr.	Associated Corporation of North America
Randolph P. Reaves	Alabama State Bar
Dr. Norman Rice	Jefferson County Board of Education
E. Clark Richardson	Alabama Power Company
William Leon Richardson	Alabama Rural Electric Association
James I. Ritchie	Alabama Trucking Association
Stephen W. Robertson	Health Insurance Association of America
W. Eric Rodawig	Household Finance Corporation
Frank E. Rogers	Jefferson County Sheriff Department
William L. Roper	Alabama Department of Public Health
Perry Crawford Roquemore, Jr.	Alabama League of Municipalities
Charlie Rowe	Jacksonville State University
R. Otis Russell	Alabama Concrete Industries Association
Robert J. Russell	Alabama Association of Realtors Association General Contractors National Automobile Transporters Association Alabama Podiatrist Association
James T. Sasser	Alabama Psychological Association
Wayne F. Schweitzer	Air Transport Association
O. H. Sharpless	Association of County Commissions of Alabama
Virginia L. Sharpe	Alabama Education Association
Thomas R. Shelton	Self
Ed Short	Alabama Rural Electric Association
Steve Shumaker	Alabama Education Association
James T. Simpson	Self
I. Cole Skelton	Tuscaloosa County Baptist Association
T. Julian Skinner, Jr.	Alabama By-Products Corporation
Robert D. Smiley, Jr.	Alabama Education Association
Carl B. Smith	Southtrust Corporation
Jacqueline Smith	Alabama Education Association
Joseph Wilson Smith	Alabama Chamber of Commerce

Maurice Smith	Teamsters Local No. 667
Paul M. Smith, Jr.	Alabama state Employees Association
Philip H. Smith	Talladega College
Walter Clifford Smith, II	Alabama Chamber of Commerce
Reginald Lee Sorrells	Association of County Commissions of Alabama
Jerry W. Spencer	Modern Banking Association of Alabama
Ronald Lee Spratt	City of Birmingham
Clemit W. Spruiell	Livingston University
Ted M. Stansell	L. W. Loyd Company Wilson & King, Attorneys
Robin Stone	Republic Steel Corporation
Robert E. Strain	U. S. Steel Corporation
James A. Street	Alabama Council for School Administration & Supervision
Harold E. Streetman	Automobile Dealers Association of Alabama, Inc.
Benjamin Stringer	Alabama Education Association
Thomas R. Sullivan	Birmingham Fire Fighters Local 117
Wayne Sumners	Alabama Education Association
Bruce A. Tackett	Exxon Company, USA
Phil Tankersley	Alabama State Employees Association
Barry E. Teague	Investment Company Institute
Frank Thiemonge, Jr.	Alabama Safety Council, Inc.
Bill L. Tilton	Consolidated Freightways
Robert D. Timmons	Alabama Sheriffs Association
Guy Tipton	Public Employees Local 1317
A. G. Trammell	Alabama AFL/CIO
Ann Trexler	Alabama Education Association
Glenda S. Trotter	Alabama Congress of PTA
Marvin F. Tye	Alabama Wildlife Federation
Larry Tyner	Weyerhaeuser Company
Kenneth Underwood	South Central Bell
John Ussery	Alabama Rural Electric Association
Howard R. Vaughan	Liberty National Life Insurance Co.
Margaret N. Walker	Alabama Alliance of Allied Health

James E. Ward	Alabama State Federation of Teachers
Margaret Bonds Wares	Handicapped Children and Adults
Don F. Wasson	Alabama Mining Institute
John F. Watkins	Alabama League of Municipalities
Ellen F. Webb	Alabama State Nurses Association
Barney Weeks	Alabama Labor Council, AFL-CIO
Felix M. Welch	State Department of Agriculture & Industry
L. R. Wethington	Montgomery Fire Fighters Association
Susan Colvin Whatley	Planned Parenthood of Alabama, Inc.
Richard C. Whitaker	Medical Association of the State of Alabama
Jeanne A. Whitehead	Alabama Womens Agenda
Vonda L. Whitten	Jefferson County Sheriff's Department
Grider B. Wilson	Alabama State Employees Association
R. Bates Wilson	Jim Walter Corporation U. S. Pipe and Foundry
Robert T. Wilson	Blue Cross Browning Farris Industries
Paul E. Windham, Jr.	Electronic Data Systems
Troy Word	URW Local 12
Mildred J. Worthy	Alabama Education Association
James O. Yeaman	Alabama Association of United Ways Alabama Society of Hospital Pharmacists Alabama Alarm Association National Federal Independent Business

#### ADOURNMENT

On motion of Rep. Biddle, the hour of 12:00 o'clock midnight having arrived, the House adjourned sine die.

Yeas 65; Nays 13.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Lewis, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains,

Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren and Wyatt.

—65

*Nays:*

Reps. Amari, Barton, Bennett, Biddle, Carothers, Gilmer, Gregg, Harper (T), Smith (J), Stewart, Turnham, Williams and Zoghby.

—13

JOHN W. PEMBERTON,  
Clerk of the House of Representatives,  
of the Legislature of Alabama,  
Regular Session, 1982.







## HOUSE OF REPRESENTATIVES

## REGULAR SESSION, 1982

## ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles H. Adams, 66  
H. H. "Bill" Adams, 30  
Robert E. Albright, 20  
John E. Amari, 34  
Park Barton, 46  
Ann Bedsole, 101  
Jim Bennett, 37  
Jack Biddle, III, 35  
A. J. Blake, 56  
Hugh Boles, 42  
William C. "Bill" Bowling, 11  
Carl C. Brakefield, 12  
James E. Buskey, 99  
W. J. "Bill" Cabaniss, Jr., 31  
James M. Campbell, 59  
Joe R. Carothers, Jr., 71  
Tommy Carter, 16  
Eric O. Cates, Jr., 84  
Earl Cheatwood, 14  
George N. Clark, 88  
William Clark, 98  
Wayne Cobb, 5  
Tom C. Coburn, 3  
Steve Cooley, 10  
W. F. "Noopie" Cosby, Jr., 85  
Bobby C. Crow, 58  
Gene Daniels, 73  
Gerald O. Dial, 60  
Larry D. Dixon, 81  
Bill Drinkard, 29  
William D. Edwards, 83  
Sundra E. Escott, 45  
Joe M. Ford, 28  
Robert C. "Bob" Gafford, 33  
Charles T. Gilmer, 6  
J. W. "Joe" Goodwin, 4  
Richard Gregg, 19  
George H. Grimsley, 70  
E. A. Grouby, Jr., 82  
Albert Hall, 22  
Seth Hammett, 75  
Owen Harper, 62  
Taylor F. Harper, 105  
A. L. "Tony" Harrison, 44  
Bob Harvey, 27  
John E. Higginbotham, 1  
L. Brooks Hines, 91  
Jimmy W. Holley, 74  
Alvin Holmes, 80  
William Fred Horn, 39  
Asbury Howard, 49  
Ronald E. Jackson, 38  
Ronald G. Johnson, 54  
Roy W. Johnson, Jr., 47  
Phillip "Phil" B. Kelley, 26  
Yvonne Kennedy, 103  
Richard Laird, 61  
Charles D. Langford, 77  
S. R. "Sam" Letson, 7  
M. Duane Lewis, 50  
Joe C. McCorquodale, Jr., 92  
Bob McKee, 79  
Stephen A. McMillan, 95  
Richard S. "Rick" Manley, 87  
Preston "Mann" Minus, Jr., 90  
Earl Mitchell, 89  
Sonny Moore, Jr., 52  
Alvis Naramore, 13  
C. Howard Nevett, 41  
J. Fred Olive, II, 40  
Walter Owens, 48  
V. M. Parker, 97  
Robert Elliott "Bob" Patton, 8  
Arthur Payne, 15  
Leigh Pegues, 86  
Walter E. Penry, Jr., 94  
T. Euclid Rains, Sr., 25  
James E. Ray, 68  
Thomas Reed, 67  
Frank Riddick, 18  
Tommy Ed Roberts, 9  
J. Thomas Sandusky, 100  
James G. Sasser, 69  
George G. Seibels, Jr., 32  
Cecil Shavers, 23  
Wallace Shoemaker, 55  
Curtis Smith, 53  
James P. Smith, 17  
Martha Jo Smith, 21  
Nelson R. Starkey, Jr., 2  
George Stewart, 104  
J. David Stout, 24  
Hoyt W. Trammell, 36  
Jerome Tucker, 43  
J. E. Turner, 96  
Pete Turnham, 63  
Jack B. Venable, 76  
J. T. "Jabo" Waggoner, Jr., 51  
Shelby Dean Ward, 64  
J. E. "Jimmy" Warren, 93  
Charles W. Whatley, 65  
R. Nolan Williams, 72  
Gerald Willis, 57  
Cecil Wyatt, 78  
Mary S. Zoghby, 102

# ROSTER OF THE HOUSE OF REPRESENTATIVES

## OF ALABAMA

### REGULAR SESSION, 1982

#### OFFICERS

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY  
*Speaker Pro-Tem*, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

#### MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	John E. Higginbotham .....	Rt. 11, Box 158, Florence 35630
2	LAUDERDALE	Nelson R. Starkey, Jr. ....	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn .....	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin .....	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb .....	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer .....	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson .....	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. (Bob) Patton .....	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts .....	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley .....	P. O. Box 1186, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling .....	Rt. 2, Box 349, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield .....	P. O. Box G, Carbon Hill 35549
13	WALKER	Alvis Naramore .....	5th Avenue, 19th Street, Jasper 35501

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 14 JEFFERSON, BLOUNT  
Earl Cheatwood ..... Rt. 1, Box 932, Warrior 35180
- 15 JEFFERSON  
Arthur Payne ..... 2825 2nd. St., N. W. Birmingham 35215
- 16 LIMESTONE  
Tommy Carter ..... Rt. 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON  
James P. (Jim) Smith ..... 108 South Side Square  
Huntsville 35801
- 18 MADISON  
Frank H. Riddick ..... 7804 Lauderdale Rd., S. W.,  
Huntsville 35802
- 19 MADISON  
Richard Gregg ..... 4007 Nelson Dr., Huntsville 35810
- 20 MADISON  
Robert E. Albright ..... 2024 Stanhope Dr., N. E.,  
Huntsville 35811
- 21 MADISON  
Martha Jo Smith ..... 1700 Big Cove Rd., S. E.,  
Huntsville 35801
- 22 MADISON, JACKSON  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23 JACKSON  
Cecil Shavers ..... Jackson County Court House,  
Scottsboro 35768
- 24 JACKSON, DeKALB  
J. David Stout ..... P. O. Box 1106, Fort Payne 35967
- 25 DeKALB, MARSHALL  
T. Euclid Rains, Sr. .... Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL  
Phillip B. (Phil) Kelley ..... Rt. 2, Box 486,  
Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL  
Bob Harvey ..... Rt. 4, Box 342, Oneonta 35121
- 28 ETOWAH  
Joe Ford ..... 1316 Kentucky Avenue, East Gadsden 35903
- 29 ETOWAH  
Bill Drinkard ..... P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE  
H. H. (Bill) Adams ..... Rt. 3, Box 257, Piedmont 36272
- 31 JEFFERSON  
W. J. (Bill) Cabaniss ..... P. O. Box 57032,  
Birmingham 35209

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 32 JEFFERSON  
George G. Seibels, Jr., .... 4016 10th Ave., So., Birmingham 35222
- 33 JEFFERSON  
Robert C. (Bob) Gafford ..... 5345 Division Ave.,  
Birmingham 35212
- 34 JEFFERSON  
John E. Amari ..... 9636 Parkway E., Birmingham 35215
- 35 JEFFERSON  
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071
- 36 JEFFERSON  
Hoyt W. Trammell ..... Rt. 15, Box 247, Birmingham 35224
- 37 JEFFERSON  
Jim Bennett ..... Marshall-Bennett & Company  
Suite 616, Woodward Bldg.,  
1927 1st Ave. N., Birmingham 35203
- 38 JEFFERSON  
Ronald E. Jackson ..... 1324 Elmwood St.,  
Birmingham 35211
- 39 JEFFERSON  
William Fred Horn ..... 333 16th Ave. S. W.,  
Birmingham 35211
- 40 JEFFERSON  
J. Fred Olive, II ..... 1612 27th St. W., Birmingham 35218
- 41 JEFFERSON  
C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064
- 42 JEFFERSON  
Hugh Boles ..... 1036 Normandale Circle, Hueytown 35020
- 43 JEFFERSON  
Jerome Tucker ..... Suite 1722, 2121 Building, 8th Ave. N.,  
Birmingham 35203
- 44 JEFFERSON  
A. L. (Tony) Harrison ..... 1630 4th Ave., No.,  
Birmingham 35203
- 45 JEFFERSON  
Sundra E. Escott ..... P. O. Box 8172, Birmingham 35218
- 46 TUSCALOOSA  
Park Barton ..... P. O. Box 338, Tuscaloosa 35401
- 47 TUSCALOOSA  
Roy W. Johnson, Jr. .... Route 4, Box 140,  
Tuscaloosa 35405
- 48 TUSCALOOSA, BIBB  
Walter Owens ..... 107 Court Sq. West, Centreville 35042

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

- 49 TUSCALOOSA, JEFFERSON  
Asbury Howard ..... 1930 Exeter Ave., Bessemer 35020
- 50 JEFFERSON  
M. Duane Lewis ..... 1129 4th Ave. N., Bessemer 35020
- 51 JEFFERSON, SHELBY  
J. T. (Jabo) Waggoner, Jr. .... 1829 Mission Rd.,  
Birmingham 35216
- 52 JEFFERSON, SHELBY, TALLADEGA  
Sonny Moore ..... P. O. Box 44, Sterrett 35147
- 53 CHILTON, SHELBY  
Curtis Smith ..... Rt. 3, Box 118, Clanton 35045
- 54 COOSA, TALLADEGA  
Ronald G. Johnson ..... Route 5, Box 17,  
Sylacauga 35150
- 55 TALLADEGA  
Wallace Shoemaker ..... 15 Cliff Rd., Childersburg 35044
- 56 ST. CLAIR, CALHOUN  
A. J. Blake ..... Rt. 1, Box 206A, Pell City 35125
- 57 CALHOUN  
Gerald Willis ..... Rt. 2, Box 286, Piedmont 36272
- 58 CALHOUN  
Bobby C. Crow ..... Rt. 10, Box 842, Anniston 36201
- 59 CALHOUN  
James M. Campbell ..... P. O. Box 2003, Anniston 36202
- 60 CLAY, CLEBURNE, TALLADEGA  
Gerald O. Dial ..... Box 248, Lineville 36266
- 61 RANDOLPH, CHAMBERS  
Richard Laird ..... Bonner Dr., Roanoke 36274
- 62 TALLAPOOSA, CHAMBERS  
Owen Harper ..... 502 Lilly Ave., E. Tallassee 36023
- 63 TALLAPOOSA, LEE, CHAMBERS  
Pete Turnham ..... P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE  
Shelby Dean Ward ..... P. O. Box 689, Opelika 36801
- 65 LEE, RUSSELL, BARBOUR  
Charles W. Whatley ..... Rt. 5, Box 296, Opelika 36801
- 66 RUSSELL  
Charles Adams ..... P. O. Box 967, Phenix City 36867
- 67 MACON, BULLOCK  
Thomas Reed ..... Drawer EE, Tuskegee Institute,  
Tuskegee 36088

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

- 68 **PIKE, COFFEE, BULLOCK, BARBOUR**  
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- 69 **DALE, BARBOUR, HENRY**  
James G. Sasser ..... 1208 Skipperville Rd., Ozark 36360
- 70 **HOUSTON, HENRY, BARBOUR**  
George H. Grimsley ..... Rt. 1, Columbia 36319
- 71 **HOUSTON**  
Joe Carothers, Jr. .... Rt. 8, Box 33, Dothan 36301
- 72 **DALE**  
R. Nolan Williams ..... Rt. 2, Newton 36352
- 73 **GENEVA, COVINGTON, HOUSTON**  
Gene Daniels ..... Rt. 2, Box 207, Samson 36477
- 74 **COVINGTON, COFFEE**  
Jimmy W. Holley ..... Rt. 3, Box 191 E, Elba 36323
- 75 **COVINGTON**  
Seth Hammett ..... P. O. Box 1418, Andalusia 36420
- 76 **ELMORE**  
Jack B. Venable ..... P. O. Box 736, Tallassee 36078
- 77 **MONTGOMERY**  
Charles D. Langford ..... 352 Dexter Ave.,  
Montgomery 36104
- 78 **MONTGOMERY, CRENSHAW**  
Cecil Wyatt ..... P. O. Box 1, Ramer 36069
- 79 **MONTGOMERY**  
Bob McKee ..... P. O. Box 424, Montgomery 36102
- 80 **MONTGOMERY**  
Alvin Holmes ..... P. O. Box 6064, Montgomery 36106
- 81 **MONTGOMERY**  
Larry Dixon ..... P. O. Box 946, Montgomery 36102
- 82 **AUTAUGA, ELMORE, LOWNDES, MONTGOMERY**  
E. A. Grouby, Jr. .... P. O. Box 188, Prattville 36067
- 83 **WILCOX, LOWNDES, DALLAS**  
William D. Edwards ..... Rt. 1, Box 180A, Fort Deposit 36032
- 84 **BUTLER, CRENSHAW**  
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- 85 **DALLAS, AUTAUGA**  
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Selma 36701
- 86 **DALLAS, PERRY, MARENGO**  
Leigh Pegues ..... 204 East Early St., Marion 36756



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OF ALABAMA—Continued**

- 87 MARENGO, SUMTER, HALE, GREENE  
Richard S. (Rick) Manley ..... P. O. Drawer U,  
Demopolis 36732
- 88 GREENE, PICKENS, TUSCALOOSA, HALE  
George Clark ..... Box 6, Eutaw 35462
- 89 TUSCALOOSA, PICKENS  
Earl Mitchell ..... P. O. Box 426, Northport 35476
- 90 SUMTER, CHOCTAW  
Preston (Mann) Minus, Jr. .... P. O. Box 312,  
Livingston 35470
- 91 ESCAMBIA  
L. Brooks Hines ..... P. O. Box 345, Brewton 36427
- 92 CLARKE, MONROE  
Joe C. McCorquodale, Jr. .... P. O. Box 928,  
111 W. Church St., Jackson 36545
- 93 MONROE, CONECUH, ESCAMBIA  
J. E. (Jimmy) Warren ..... P. O. Box 207,  
Castleberry 36432
- 94 BALDWIN  
Walter E. Penry, Jr. .... Rt. 2, Box 286, Daphne 36526
- 95 BALDWIN, MOBILE  
Stephen A. McMillan ..... P. O. Box 337, Bay Minette 36507
- 96 WASHINGTON, MOBILE  
J. E. Turner ..... P. O. Box 777, Citronelle 36522
- 97 MOBILE  
V. M. Parker ..... 504 Woodlore Dr., Chickasaw 36611
- 98 MOBILE  
William Clark ..... P. O. Box 10434, Prichard 36610
- 99 MOBILE  
James E. Buskey ..... 2207 Barretts Lane, Mobile 36617
- 100 MOBILE  
J. Thomas (Tommy) Sandusky ..... P. O. Box 9338,  
Mobile 36691
- 101 MOBILE  
Ann Bedsole ..... 25 Edgefield Rd., Mobile 36608
- 102 MOBILE  
Mary S. Zoghby ..... 2862 Hilburn Dr., Mobile 36606
- 103 MOBILE  
Yvonne Kennedy ..... 1205 Glennon Ave., Mobile 36603
- 104 MOBILE  
George Stewart ..... 4413 S. Shan Dr., Mobile 36609
- 105 MOBILE  
Taylor F. Harper ..... P. O. Box 229, Grand Bay 36541

**ROSTER OF THE  
SENATE OF ALABAMA  
REGULAR SESSION, 1982**

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State Capitol, Montgomery

Finis St. John, *President Pro-Tem*  
Cullman

McDowell Lee, *Secretary*  
Montgomery

Mrs. William R. Lawley, Jr., *Chief Clerk*  
Montgomery

**DISTRICT NO. 1**

Bobby Denton ..... 1st Colbert Nat'l. Bank, P. O. Drawer B,  
Sheffield 35660

**DISTRICT NO. 2**

Charlie Britnell ..... Northwest Alabama State  
Junior College, Phil Campbell 35851

**DISTRICT NO. 3**

Charles B. Martin ..... P. O. Box 2204, Decatur 35602

**DISTRICT NO. 4**

Finis St. John ..... P. O. Drawer K, Cullman 35055

**DISTRICT NO. 5**

Robert (Bob) Hall ..... 2601 Carson Road,  
Birmingham 35215

**DISTRICT NO. 6**

Albert McDonald ..... Route 1, Madison 35758

**DISTRICT NO. 7**

Bill Smith ..... 2009 Gallatin St. S.W.,  
Huntsville 35801

**DISTRICT NO. 8**

James Lemaster ..... Route 2, Box 228, Scottsboro 35768

**DISTRICT NO. 9**

Hinton Mitchem ..... P. O. Box 297, Albertville 35950

**DISTRICT NO. 10**

Larry H. Keener ..... 816 Chestnut St., Gadsden 35901

**DISTRICT NO. 11**

Dewey White ..... P. O. Box 7685A, Birmingham 35223

**DISTRICT NO. 12**

Paschal P. "Pat" Vacca ..... 1617 Mountain Dr.,  
Tarrant 35217

**DISTRICT NO. 13**

J. Richmond Pearson ..... Citizens Federal Building,  
P. O. Box 11135, Birmingham 35202

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**DISTRICT NO. 15**

Earl F. Hilliard ..... P.O. Box 11385, Birmingham 35202

**DISTRICT NO. 16**

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**DISTRICT NO. 17**

Doug Cook ..... P. O. Box 6223-A, Tarrant 35217

**DISTRICT NO. 18**

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Sylacauga 35150

**DISTRICT NO. 19**

John A. Teague ..... P. O. Box 427, Childersburg 35044

**DISTRICT NO. 20**

Donald G. Holmes ..... 1915 Robinhood Dr.,  
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**DISTRICT NO. 21**

T. D. "Ted" Little ..... P. O. Box 342, Auburn 36830

**DISTRICT NO. 22**

G. J. "Dutch" Higginbotham ..... Troy State University  
Savage, Drive, Phenix City 36867

**DISTRICT NO. 23**

Mike Weeks ..... P. O. Box 322, Troy 36081

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Chip Bailey ..... P. O. Box 6791, Dothan 36302

**DISTRICT NO. 25**

Wallace Miller ..... 100½ No. Main, Enterprise 36330

**DISTRICT NO. 26**

Don Harrison ..... 516 S. Perry St., Montgomery 36104

**DISTRICT NO. 27**

Bishop N. Barron ..... P. O. Box 221,  
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**DISTRICT NO. 28**

Cordy Taylor ..... P. O. Box 596, Prattville 36067

**DISTRICT NO. 29**

Earl Goodwin ..... Rt. 7, Box 488, Selma 36701

**DISTRICT NO. 30**

Edward D. "Big Ed" Robertson ..... P. O. Box 331,  
Northport 35476

**DISTRICT NO. 31**

Reo Kirkland, Jr. .... P. O. Box 646, 102 St. Joseph,  
Brewton 36426

**ROSTER OF THE SENATE OF ALABAMA—Continued****DISTRICT NO. 32**

Robert I. "Bob" Gullledge ..... P. O. Drawer 3376,  
Robertsdale 36567

**DISTRICT NO. 33**

Michael A. Figures ..... 1407 Davis Avenue, Mobile 36603

**DISTRICT NO. 34**

H. L. "Sonny" Callahan ..... P. O. Box 1208, Mobile 36601

**DISTRICT NO. 35**

Bob Glass ..... 733 Lakeshore Dr. W., Mobile 36609

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- 1981 acts, act 81-813, regular session, section 11, domestic violence shelters, funding of—  
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- 1939 acts, act 89, regular session, Morgan county, municipal utilities board of Decatur, auditing procedures  
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- 1945 acts, act 248, regular session, section 19, Jefferson county merit system employees, method of earning vacation time—  
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- 1951 acts, act 513, regular session, Clarke county board of education to be elected from districts—  
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- 1953 acts, act 103, regular session, sections 3 and 4, Dothan pension and retirement system board, city manager to attend meetings of—  
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- 1955 acts, act 452, regular session, section 4.06(9), mayors staff, inclusion in pension system, provisions—  
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- 1965 acts, act 497, regular session, section 8, Jefferson county pension system—  
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- 1971 acts, act 372, regular session, DeKalb county coroner expense allowance—  
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- 1973 acts, act 312, regular session, section 1, Marion county, branch banks authorized—  
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- 1973 acts, act 651, special session, sections 1 and 5, Tuscaloosa county industrial development authority, composition, bonds, tax exempt status—  
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- 1975 acts, act 248, regular session, section 7, Shelby county, improved system of recording title to property—  
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- 1975 acts, act 274, regular session, Calhoun county civil service board, applicant lists expanded—  
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- 1975 acts, act 651, regular session, section five, Mobile, city of, elected officials, payment of retirement benefits—  
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- 1979 acts, act 79-107, regular session, section 17, Lauderdale county motor vehicle tags by mail, fee for issuance—  
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- 1979 acts, act 79-157, regular session, city of Anniston policemen and firemen retirement fund, benefits altered, actuary hired—  
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- 1980 acts, act 80-342, regular session, section 1, Mobile county, Halls mill creek, speed zone signs—  
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HB 241, pages 78, 315, 1176, 2066, 2080, 2319

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## HAMILTON, BILL

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## HANDGUNS

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HJR 294, pages 1185, 1426, 1432, 1474

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## Tenth, three additional circuit judges provided—

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Hueytown high school swingers show choir, appreciation expressed—  
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Hughes, Nelson, commended—  
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Hutcheson, Carolyn, commended—  
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and colleges created—  
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Interim committee to oversee the implementation of the human re-  
sources board created—  
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Isley, Raymond J., honored—  
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- Ivey, Kay, commended—  
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- Jack Edwards bridge named—  
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- Jackson high school basketball team commended—  
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- Jacksonville state university commended—  
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- Jacksonville state university marching band commended—  
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- James T. Strickland youth center named—  
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- Jefferson county officials urged to alleviate economic plight of county employees—  
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- J. E. Turner boat ramp named—  
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- John T. Morgan academy debate team commended—  
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- Joint Alabama legislative travel and tourism caucus created—  
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- Joint committee to coordinate President Reagan's visit created—  
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- Joint committee to evaluate information processing, retrieval and dissemination created—  
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- Joint committee to study guidelines of the farmers home administration—  
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- Jones, Alicia, commended—  
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- Jordan, coach James Ralph, election to hall of fame noted—  
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- Lewter, Kenneth R., honored—  
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- Lightsey, Ed, commended—  
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- McCorquodale, Joe C., commended—  
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- McCorquodale, Jr., Joseph C., commended—  
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- McCoy, Larry Wyman, commended—  
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use law—  
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commended—  
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Nicholson, Jackie, commended—  
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- Opp first baptist church, commended—  
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Robert Bryant Strong, Auburn board of trustees urged to name a building after—

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## SOCIAL WORKERS I

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